ERRATA.

Vol. 1.

p. 4. in the Margin *read*, Vol. 2. p. 16.
13. in the 50th. Law, the laſt Line *read*: That no *ſuch* Judge.
38. in the Paragraph beginning, AND foraſmuch &c. Line 10. dele the Word *are*.
56. Line 4 & 7 from the End, inſtead of 1714. *read* 1719.
86. In the Paragraph beginning, PROVIDED, &c, Line 3 read according *to* the Courſe.
88. Line 8 read may *be* lawful.
132. In the Margin inſtead of p. 79. read p. 83.

Vol. 2.

32. In the Paragraph beginning, Be it enacted, &c. Line 7 read levied *or* ſuffered.
39. In the Margin inſtead of *Philadelphia* read *Bucks*.
88. Lin ult read Paſſed *April* 22d.
113. Line 14 read, reſpectively, be made.

In the Appendix.

p. 9. Line 7 from the End, inſtead of 24 read 23.
p. 14. Line 19 from the End inſtead of *out* read *ought*.

In the Index

The Article of LAMPS is left out; but See *Wardens*.

ADAMS 101.2

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THE

CHARTERS

AND

ACTS OF ASSEMBLY

OF THE

PROVINCE

OF

PENNSYLVANIA.

In Two Volumes.

VOL. I.

CONTAINING the CHARTERS of the ſaid PROVINCE, and the CITY, BOROUGHS and TOWNS thereof: The TITLES of all the LAWS of the ſaid PROVINCE, ſince its firſt Eſtabliſhment down to the Year 1700: The ACTS of the ſaid ASSEMBLY from the Year 1700 to 1743, now in Force; and the ROYAL CONFIRMATIONS and REPEALS of the ſaid ACTS.

Compared with the PUBLIC RECORDS.

PHILADELPHIA,

Printed by PETER MILLER and COMP. M DCC LXII.

ADAMS 61.2

THE COMMITTEE appointed to examine the COLLECTION of the LAWS of this PROVINCE of PENNSYLVANIA, printed by *Lewis Weiſs* and *Peter Miller*, beg Leave to report to the HOUSE, that it appears to Your Committee, from the Affidavit of the ſaid *Lewis Weiſs*, that the ſaid Collection of Laws was carefully printed from a Copy taken from, carefully compared with, and corrected by, the Original Rolls and Records of the Laws now remaining in the Rolls Office, by him the ſaid *Lewis* and *Charles Brockden*, Eſq; Maſter of the Rolls, and that the ſeveral Charters printed with the ſaid Collection, were taken from and compared with the Records thereof in the ſaid Office, ſave the Charter of the Borough of *Lancaſter*, which was carefully printed from a certified Copy under the Seal of the ſaid Borough, as by the Affidavit herewith ſhewn to the HOUSE, more particularly will appear.

JOSEPH GALLOWAY,
JOSEPH FOX,
THOMAS LEECH.

A true Copy taken from the Journals of the HOUSE *by*

CHAS MOORE,
Clerk of Aſſembly.

THE ROYAL CHARTER,

GRANTED TO

WILLIAM PENN, Esq; PROPRIETARY and GOVERNOR of Pennsylvania.

CHARLES, by the Grace of GOD, King of *England*, *Scotland*, *France* and *Ireland*, Defender of the Faith, *&c.* To all to whom these Presents shall come, *Greeting*. WHEREAS our trusty and well-beloved Subject, *William Penn*, Esq; Son and Heir of Sir *William Penn* deceased, (out of a commendable Desire to enlarge our *English* Empire, and promote such useful Commodities as may be of Benefit to us and our Dominions, as also to reduce the savage Natives by gentle and just Manners to the Love of civil Society and Christian Religion) hath humbly besought Leave of Us to transport an ample Colony unto a certain Country herein after described, in the Parts of *America* not yet cultivated and planted; and hath likewise so humbly besought Our Royal Majesty to Give, Grant, and confirm all the said Country, with certain Privileges and Jurisdictions, requisite for the good Government and Safety of the said Country and Colony, to him and his Heirs for ever. Preamble

SECT. I.

KNOW YE THEREFORE, That We (favouring the Petition and good Purpose of the said *William Penn*, and having Regard to the Memory and Merits of his late Father in divers Services, and particularly to his Conduct, Courage and Discretion under our dearest Brother *JAMES* Duke of *York*, in that signal Battle and Victory fought and obtained against the *Dutch* Fleet, commanded by the *Heer Van Opdam*, in the Year, 1665: In Consideration thereof, of Our special Grace, certain Knowledge and meer Motion) have Given and Granted, and by this our present Charter, for Us, Our Heirs and Successors, do Give and Grant unto the said *William Penn*, his Heirs and Assigns, all that Tract or Part of Land in *America*, with the Islands therein contained, as the same is bounded on the East by *Delaware* River, from twelve Miles Distance Northwards of *Newcastle* Town unto the Three-and-fortieth Degree of Northern Latitude, if the said River doth extend so far Northward; but if the said River shall not extend so far Northward, then by the said River so far as it doth extend; and from the Head of the said River, the Eastern Bounds are to be determined by a Meridian Line, to be drawn from the Head of the said River unto the said Forty-third Degree. The said Land to extend Westward five Degrees in Longitude, to be computed from the said Eastern Bounds; and the said Lands to be bounded on the North by the Beginning of the Three-and-fortieth Degree of Northern Latitude, and on the South by a Circle drawn at twelve Miles Distance from *Newcastle* Northward, and Westward unto the Beginning of the Fortieth Degree of Northern Latitude, and then by a straight Line Westward to the Limits of Longitude, above-mentioned. Consideration of the Grant. Bounds of the Tract of Land granted.

SECT. II.

WE do also Give and Grant unto the said *William Penn*, his Heirs and Assigns, the free and undisturbed Use and Continuance in, and Passage unto, and out of all and singular Ports, Harbours, Bays, Waters, Rivers, Isles and Inlets belonging unto, or leading to and from the Country or Islands aforesaid, and all the Soils, Lands, Fields, Woods, Under-woods, Mountains, Hills, Fenns, Isles, Lakes, Rivers, Waters, Rivulets, Bays and Inlets situated or being within, or belonging to the Limits or Bounds aforesaid, together with the Fishing of all Sorts of Fish, Whales, Sturgeon, and all Royal and other Fishes in the Seas, Bays, Inlets, Waters or Rivers within the Premises, and all the Fish therein taken; and also all Veins, Mines, Minerals and Quarries as well discovered as not discovered of Gold, Silver, Gemms and precious Stones, and all other whatsoever, be it Stones, Metals, or of any other Thing or Matter whatsoever found or to be found within the Country, Isles or Limits aforesaid. The other Hereditaments and Appurtenances, &c.

SECT. III.

AND him, the said *William Penn*, his Heirs and Assigns, We do by this our Royal Charter, for Us, Our Heirs and Successors, make, create and constitute the true and absolute Proprietary of the Country aforesaid, and of all other the Premises: Saving always to Us, Our Heirs and Successors, the Faith and Allegiance of the said *William Penn*, his Heirs and Assigns, and of all other Proprietaries, Tenants and Inhabitants that are or shall be within the Territories and Precincts aforesaid: And saving also unto Us, Our Heirs and Successors, the Sovereignty of the aforesaid Country; TO have, hold, possess and enjoy the said Tract of Land, Country, Isles, Inlets, and other the Premises unto the said *William Penn*, his Heirs and Assigns, To the only proper Use and Behoof of the said *William Penn*, his Heirs and Assigns for ever, To be holden of us, our Heirs and Successors, Kings of *England*, as of our Castle of *Windsor* in our County of *Berks*, in free and common Soccage, by Fealty only for all Services, and not *in Capite* or by Knights Service: Yielding and paying therefore to us, our Heirs and Successors, two Beaver William Penn, &c. made absolute Proprietary. Habendum. Reddendum

ver Skins, to be delivered at our Caſtle of *Windſor* on the firſt Day of *January* in every Year; and alſo the fifth Part of all Gold and Silver Oar which ſhall from time to time happen to be found within the Limits aforeſaid, clear of all Charges. And of our further Grace, certain Knowledge and meer Motion, we have thought fit to erect, and we do hereby erect the aforeſaid Coûntry and Iſlands into a Province and Seigniory, and do call it PENSILVANIA, and ſo from henceforth will have it called.

The Province of Pennſylvania eſtabliſhed.

SECT. IV.

AND foraſmuch as we have hereby made and ordained the aforeſaid *William Penn*, his Heirs and Aſſigns, the true and abſolute Proprietaries of all the Lands and Dominions aforeſaid, KNOW YE therefore, that we (repoſing ſpecial Truſt and Confidence in the Fidelity, Wiſdom, Juſtice and provident Circumſpection of the ſaid *William Penn*) for us, our Heirs and Succeſſors, do grant free, full, and abſolute Power (by Virtue of theſe Preſents) to him and his Heirs, to his and their Deputies, and Lieutenants, for the good and happy Government of the ſaid Country, to ordain, make and enact, and under his and their Seals to publiſh any Laws whatſoever, for the raiſing of Money for publick Uſes of the ſaid Province, or for any other End, appertaining either unto the publick State, Peace or Safety of the ſaid Country, or unto the private Utility of particular Perſons, according unto their beſt Diſcretion, by and with the Advice, Aſſent, and Approbation of the Freemen of the ſaid Country, or the greater Part of them, or of their Delegates or Deputies, whom for the enacting of the ſaid Laws, when and as often as Need ſhall require, we will that the ſaid *William Penn* and his Heirs, ſhall aſſemble in ſuch Sort and Form, as to him and them ſhall ſeem beſt, and the ſame Laws duly to execute, unto and upon all People within the ſaid Country and Limits thereof.

Governor's Power to make Laws,

with the Conſent of the Freemen &c. in Aſſembly.

SECT. V.

AND we do likewiſe give and grant unto the ſaid *William Penn*, and to his Heirs and their Deputies and Lieutenants, full Power and Authority to appoint and eſtabliſh any Judges and Juſtices, Magiſtrates and other Officers whatſoever, for what Cauſes ſoever (for the Probates of Wills, and for the granting of Adminiſtrations within the Precincts aforeſaid) and with what Power ſoever, and in ſuch Form as to the ſaid *William Penn* or his Heirs ſhall ſeem moſt convenient: Alſo to remit, releaſe, pardon and aboliſh (whether before Judgment or after) all Crimes and Offences whatſoever committed within the ſaid Country againſt the ſaid Laws (Treaſon and wilful and malicious Murder only excepted, and in thoſe Caſes to grant Reprieves until our Pleaſure may be known therein) and to do all and every other Thing and Things which unto the compleat Eſtabliſhment of Juſtice unto Courts and Tribunals, Forms of Judicature, and Manner of Proceedings do belong, although in theſe Preſents expreſs Mention be not made thereof; and by Judges by them delegated, to award Proceſs, hold Plea and determine in all the ſaid Courts and Tribunals all Actions, Suits and Cauſes whatſoever, as well criminal as civil, perſonal, real and mixt; which Laws ſo as aforeſaid to be publiſhed, our Pleaſure is, and ſo we enjoin, require and command, ſhall be moſt abſolute and available in Law: and that all the Liege People and Subjects of us, our Heirs and Succeſſors do obſerve and keep the ſame inviolably in thoſe Parts, ſo far as they concern them, under the Pain therein expreſſed, or to be expreſſed. PROVIDED nevertheleſs, That the ſame Laws be conſonant to Reaſon, and not repugnant or contrary, but (as near as conveniently may be) agreeable to the Laws and Statutes and Rights of this our Kingdom of *England*; and ſaving and reſerving to us, our Heirs and Succeſſors, the receiving, hearing and determining of the Appeal and Appeals of all or any Perſon or Perſons of, in, or belonging to the Territories aforeſaid, or touching any Judgment to be there made or given.

to conſtitute Judges and other Officers: for Probate of Wills, &c. To pardon and reprieve.

The Laws not to be repugnant to the Laws of England.

Appeals to the King reſerved.

SECT. VI.

AND foraſmuch as in the Government of ſo great a Country ſudden Accidents do often happen, whereunto it will be neceſſary to apply Remedy before the Freeholders of the ſaid Province, or their Delegates or Deputies can be aſſembled to the making of Laws; neither will it be convenient that inſtantly upon every ſuch emergent Occaſion ſo great a Multitude ſhould be called together: Therefore (for the better Government of the ſaid Country) we will and ordain, and by theſe Preſents, for us, our Heirs and Succeſſors, do grant unto the ſaid *William Penn* and his Heirs, by themſelves or by their Magiſtrates and Officers, in that Behalf duly to be ordained as aforeſaid, to make and conſtitute fit and wholeſome Ordinances, from time to time, within the ſaid Country to be kept and obſerved, as well for the Preſervation of the Peace as for the better Government of the People there inhabiting; and publickly to notify the ſame to all Perſons, whom the ſame do or may anyways concern. Which Ordinances, our Will and Pleaſure is, ſhall be obſerved inviolably within the ſaid Province, under the Pains therein to be expreſſed, ſo as the ſaid Ordinances be conſonant to Reaſon, and be not repugnant nor contrary, but (ſo far as conveniently may be) agreeable with the Laws of our Kingdom of *England*, and ſo as the ſaid Ordinances be not extended in any ſort to bind, change, or take away the Right or Intereſt of any Perſon or Perſons, for or in their Life, Members, Freehold, Goods or Chattels. And our farther Will and Pleaſure is, that the Laws for regulating and governing of Property within the ſaid Province, as well for the Deſcent and Enjoyment of Lands, as likewiſe for the Enjoyment and Succeſſion of Goods and Chattels, and likewiſe as to Felonies, ſhall be and continue the ſame, as they ſhall be for the time being by the general Courſe of the Law in our Kingdom of *England*, until the ſaid Laws ſhall be altered by the ſaid *William Penn*, his Heirs or Aſſigns, and by the Freemen of the ſaid Province, their Delegates or Deputies, or the greater Part of them.

Power to make Ordinances,

ſo as they be not extended to the Liberty Subjects and Property;

which ſhall be regulated by the Laws of England till altered, &c.

SECT. VII.

AND to the End that the ſaid *William Penn*, or his Heirs, or other the Planters, Owners or Inhabitants of the ſaid Province, may not at any Time hereafter (by Miſconſtruction of the Power aforeſaid) through Inadvertency or Deſign depart from that Faith and due Allegiance, which by the Laws of this our Realm of *England*, they, and all our Subjects in our Dominions and Territories, always owe to us, our Heirs and Succeſſors, by Colour of any Extent or Largeneſs of Powers hereby given, or pretended to be given, or by Force or Colour of any Laws hereafter to be made in the ſaid Province by Virtue of any ſuch

ſuch Powers; our farther Will and Pleaſure is, that a Tranſcript or Duplicate of all Laws which ſhall be ſo as aforeſaid made and publiſhed within the ſaid Province, ſhall, within five Years after the making thereof, be tranſmitted and delivered to the Privy Council, for the Time being, of us, our Heirs and Succeſſors: And if any of the ſaid Laws, within the Space of ſix Months after that they ſhall be ſo tranſmitted and delivered, be declared by us, our Heirs and Succeſſors, in our or their Privy Council, inconſiſtent with the Sovereignty or lawful Prerogative of us, our Heirs or Succeſſors, or contrary to the Faith and Allegiance due to the legal Government of this Realm from the ſaid *William Penn*, or his Heirs, or of the Planters and Inhabitants of the ſaid Province, and that thereupon any of the ſaid Laws ſhall be adjudged and declared to be void by us, our Heirs and Succeſſors, under our or their Privy Seal, that then and from thenceforth, ſuch Laws, concerning which ſuch Judgment and Declaration ſhall be made, ſhall become void: Otherwiſe the ſaid Laws ſo tranſmitted ſhall remain and ſtand in full Force, according to the true Intent and Meaning thereof.

Duplicate of all Laws to be tranſmitted to the Privy Council within 5 Years: If repealed within ſix Months, to be void; otherwiſe in Force.

SECT. VIII.

FURTHERMORE, that this new Colony may the more happily increaſe, by the Multitude of People reſorting thither; therefore we, for us, our Heirs and Succeſſors, do give and grant by theſe Preſents, Power, Licence and Liberty unto all the Liege People and Subjects, both preſent and future, of us, our Heirs and Succeſſors (excepting thoſe who ſhall be eſpecially forbidden to tranſport themſelves and Families unto the ſaid Country, with ſuch convenient Shipping as by the Laws of this our Kingdom of *England* they ought to uſe, and with fitting Proviſion, paying only the Cuſtoms therefore due, and there to ſettle themſelves, dwell and inhabit, and plant for the publick and their own private Advantage.

Liberty to all the King's Subjects to tranſport themſelves, &c.

SECT. IX.

AND furthermore, that our Subjects may be the rather encouraged to undertake this Expedition with ready and chearful Minds, know ye, that we of our ſpecial Grace, certain Knowledge and meer Motion, do give and grant by Virtue of theſe Preſents, as well unto the ſaid *William Penn* and his Heirs as to all others who ſhall from time to time repair unto the ſaid Country, with a Purpoſe to inhabit or trade with the Natives of the ſaid Country, full Licence to lade and freight in any Ports whatſoever, of us our Heirs and Succeſſors, according to the Laws made or to be made within our Kingdom of *England*, and unto the ſaid Country, by them, their Servants or Aſſigns, to tranſport all and ſingular their Goods, Wares and Merchandizes, as likewiſe all Sorts of Grain whatſoevever, and all other Things whatſoever, neceſſary for Food or Cloathing, not prohibited by the Laws and Statutes of our Kingdom and Dominions to be carried out of the ſaid Kingdom, without any Let or Moleſtation of us, our Heirs or Succeſſors, or of any of the Officers of us, our Heirs or Succeſſors; ſaving always to us, our Heirs and Succeſſors, the legal Impoſitions, Cuſtoms, or other Duties and Payments, for the ſaid Wares and Merchandizes, by any Law or Statute due or to be due to us our Heirs and Succeſſors.

and their Goods, &c.

SECT. X.

AND we do further, for us, our Heirs and Succeſſors, give and grant unto the ſaid *William Penn*, his Heirs and Aſſigns, free and abſolute Power to divide the ſaid Country and Iſlands into Towns, Hundreds and Counties, and to erect and incorporate Towns into Boroughs, and Boroughs into Cities, and to make and conſtitute Fairs and Markets therein, with all other convenient Privileges and Immunities, according to the Merits of the Inhabitants, and the Fitneſs of the Places, and to do all and every other Thing and Things touching the Premiſes which to him or them ſhall ſeem meet and requiſite; albeit they be ſuch as of their own Nature might otherwiſe require a more ſpecial Commandment and Warrant than in theſe Preſents is expreſſed.

The Proprietor's Power to erect and incorporate Towns, &c.

SECT. XI.

WE will alſo, and by theſe Preſents, for us, our Heirs and Succeſſors, we do give and grant Licence by this our Charter unto the ſaid *William Penn*, his Heirs and Aſſigns, and to all the Inhabitants and Dwellers in the Province aforeſaid, both preſent and to come, to import or unlade by themſelves or their Servants, Factors or Aſſigns, all Merchandizes and Goods whatſoever, that ſhall ariſe of the Fruits and Commodities of the ſaid Province either by Land or Sea into any of the Ports of us, our Heirs or Succeſſors, in our Kingdom of *England*, and not into any other Country whatſoever: And we give him full Power to diſpoſe of the ſaid Goods in the ſaid Ports; and if need be, within one Year next after the unlading of the ſame, to lade the ſaid Merchandize and Goods again into the ſame or other Ships, and to tranſport the ſame into any other Countries, either of our Dominions or Foreign, according to Law; provided always, that they pay ſuch Cuſtoms and Impoſitions, Subſidies and Duties for the ſame to us, our Heirs and Succeſſors, as the reſt of our Subjects of our Kingdom of *England* for the Time being ſhall be bound to pay, and do obſerve the Acts of Navigation, and other Laws in that Behalf made.

Licence granted to import the Produce of the Country into England.

SECT. XII.

AND furthermore, of our ample and ſpecial Grace, certain Knowledge, and meer Motion, we do for us, our Heirs and Succeſſors, grant unto the ſaid *William Penn*, his Heirs and Aſſigns, full and abſolute Power and Authority, to make, erect, and conſtitute within the ſaid Province and the Iſles and Inlets aforeſaid, ſuch and ſo many Sea-ports, Harbours, Creeks, Havens, Keys and other Places, for diſcharging and unlading of Goods and Merchandizes out of the Ships, Boats and other Veſſels, and landing them unto ſuch and ſo many Places, and with ſuch Rights, Juriſdictions, Liberties and Privileges unto the ſaid Ports belonging, as to him and them ſhall ſeem moſt expedient; and that all and ſingular the Ships, Boats and other Veſſels, which ſhall come for Merchandize and Trade into the ſaid Province, or out of the ſame, ſhall be laden or unladen only at ſuch Ports as ſhall be created and conſtituted by the ſaid *William Penn*,

The Proprietary impowered to conſtitute Ports.

Penn, his Heirs or Aſſigns, any Uſe, Cuſtom or Thing to the Contrary notwithſtanding. Provided, that the ſaid *William Penn* and his Heirs, and the Lieutenants and Governors for the Time being ſhall admit and receive in and about all ſuch Havens, Ports, Creeks, and Keys, all Officers and their Deputies, who ſhall from time to time be appointed for that Purpoſe by the Farmers or Commiſſioners of our Cuſtoms for the Time being.

SECT. XIII

Power to the Proprietary and People to aſſeſs Cuſtoms on Goods, &c. Saving, &c.

AND we do further appoint and ordain, and by theſe Preſents for us, our Heirs and Succeſſors, we do grant unto the ſaid *William Penn*, his Heirs and Aſſigns, that he the ſaid *William Penn*, his Heirs and Aſſigns, may from time to time for ever, have and enjoy the Cuſtoms and Subſidies in the Ports, Harbours and other Creeks and Places aforeſaid, within the Province aforeſaid, payable or due for Merchandize and Wares there to be laded and unladed; the ſaid Cuſtoms and Subſidies to be reaſonably aſſeſſed upon any Occaſion, by themſelves and the People there as aforeſaid to be aſſembled, to whom we give Power by theſe Preſents, for us, our Heirs and Succeſſors, upon juſt Cauſe and due Proportion, to aſſeſs and impoſe the ſame; ſaving unto us, our Heirs and Succeſſors, ſuch Impoſitions and Cuſtoms as by Act of Parliament are and ſhall be appointed.

SECT. XIV.

The Proprietary ſhall appoint an Attorney to reſide in London.

AND it is our farther Will and Pleaſure, that the ſaid *William Penn*, his Heirs and Aſſigns, ſhall from time to time conſtitute and appoint an Attorney or Agent, to reſide in or near our City of *London*, who ſhall make known the Place where he ſhall dwell or may be found unto the Clerks of our Privy Council for the Time being, or one of them, and ſhall be ready to appear in any of our Courts at *Weſtminſter*, to anſwer for any Miſdemeanor that ſhall be committed, or by any wilful Default or Neglect permitted by the ſaid *William Penn*, his Heirs or Aſſigns, againſt the Laws of Trade and Navigation; and after it ſhall be aſcertained in any of our ſaid Courts, what Damages we or our Heirs or Succeſſors ſhall have ſuſtained by ſuch Default or Neglect, the ſaid *William Penn*, his Heirs or Aſſigns ſhall pay the ſame within one Year after ſuch Taxation, and Demand thereof from ſuch Attorney: Or in caſe there ſhall be no ſuch Attorney by the Space of one Year, or ſuch Attorney ſhall not make Payment of ſuch Damages within the Space of a Year, and anſwer ſuch other Forfeitures and Penalties within the ſaid Time, as by Acts of Parliament in *England* are and ſhall be provided, according to the true Intent and Meaning of theſe Preſents; then it ſhall be lawful for us, our Heirs and Succeſſors, to ſeize and reſume the Government of the ſaid Province or Country, and the ſame to retain until Payment ſhall be made thereof: But notwithſtanding any ſuch Seizure or Reſumption of the Government, nothing concerning the Propriety or Ownerſhip of any Lands, Tenements, or other Hereditaments, or Goods or Chattles of any of the Adventurers, Planters or Owners, other than the reſpective Offenders there, ſhall any ways be affected or moleſted thereby.

In caſe of Failure, the Crown may reſume the Government;

but the Property of the People ſhall not be affected by ſuch Reſumption.

SECT. XV.

No Correſpondence ſhall be had with the King's Enemies nor War made on any State in Amity.

PROVIDED always, and our Will and Pleaſure is, That neither the ſaid *William Penn*, nor his Heirs, or any other the Inhabitants of the ſaid Province, ſhall at any Time hereafter have or maintain any Correſpondence with any other King, Prince, or State, or with any of their Subjects, who ſhall then be in War againſt us, our Heirs and Succeſſors; nor ſhall the ſaid *William Penn*, or his Heirs, or any other Inhabitants of the ſaid Province, make War or do any Act of Hoſtility againſt any other King, Prince, or State, or any of their Subjects, who ſhall then be in League or Amity with us, our Heirs and Succeſſors.

SECT. XVI.

Power of a Captain-General granted.

AND, becauſe in ſo remote a Country, and ſituate near many barbarous Nations, the Incurſions as well of the Savages themſelves, as of other Enemies, Pirates and Robbers, may probably be feared; Therefore we have given, and for us, our Heirs and Succeſſors, do give Power by theſe Preſents to the ſaid *William Penn*, his Heirs and Aſſigns, by themſelves or their Captains or other their Officers, to levy, muſter and train all Sorts of Men, of what Condition ſoever, or whereſoever born, in the ſaid Province of *Pennſylvania*, for the Time being, and to make War, and to purſue the Enemies and Robbers aforeſaid, as well by Sea as by Land, even without the Limits of the ſaid Province, and by God's Aſſiſtance to vanquiſh and take them, and being taken to put them to Death by the Law of War, or to ſave them, at their Pleaſure, and to do all and every other Thing which unto the Charge and Office of a Captain-General of an Army belongeth or hath accuſtomed to belong, as fully and freely as any Captain-General of an Army hath ever had the ſame.

SECT. XVII.

Power to alien the Premiſes.

AND FURTHERMORE, of our ſpecial Grace and of our certain Knowledge and meer Motion, we have given and granted, and by theſe Preſents, for us, our Heirs and Succeſſors, do give and grant unto the ſaid *William Penn*, his Heirs and Aſſigns, full and abſolute Power, Licence and Authority, that he, the ſaid *William Penn*, his Heirs and Aſſigns, from time to time hereafter for ever, at his or their own Will and Pleaſure may aſſign, alien, grant, demiſe, or enfeoff of the Premiſes ſo many and ſuch Parts and Parcels, to him or them that ſhall be willing to purchaſe the ſame, as they ſhall think fit: To have and to hold to them the ſaid Perſon and Perſons willing to take and purchaſe, their Heirs and Aſſigns, in Fee-ſimple, or Fee-tail, or for the Term of Life, Lives or Years, To be held of the ſaid *William Penn*, his Heirs or Aſſigns, as of the ſaid Seigniory of *Windſor*, by ſuch Services, Cuſtoms or Rents, as ſhall ſeem meet to the ſaid *William Penn*, his Heirs or Aſſigns, and not immediately of us, our Heirs or Succeſſors.

SECT. XVIII.

SECT. XVIII.

AND to the ſame Perſon or Perſons, and to all and every of them, we do give and grant by theſe Preſents, for us, our Heirs and Succeſſors, Licence, Authority and Power, that ſuch Perſon or Perſons may take the Premiſes, or any Parcel thereof, of the aforeſaid *William Penn*, his Heirs or Aſſigns, and the ſame hold to themſelves, their Heirs and Aſſigns, in what Eſtate of Inheritance ſoever, in Fee-ſimple or in Fee-tail, or otherwiſe, as to him, the ſaid *William Penn*, his Heirs or Aſſigns, ſhall ſeem expedient: The Statute made in the Parliament of *EDWARD* the Son of King *HENRY*, late King of *England*, Our Predeceſſor, (commonly called *The Statute QUIA EMPTORES TERRARUM*, lately publiſhed in our Kingdom of *England*) in any wiſe notwithſtanding.

Power to the Purchaſers to hold by the Proprietary's Grants.

SECT. XIX.

AND by theſe Preſents we give and grant Licence unto the ſaid *William Penn*, and his Heirs, and likewiſe to all and every ſuch Perſon or Perſons to whom the ſaid *William Penn*, or his Heirs ſhall at any Time hereafter grant any Eſtate or Inheritance as aforeſaid, to erect any Parcels of Land within the Province aforeſaid into Manors, by and with the Licence to be firſt had and obtained for that Purpoſe, under the Hand and Seal of the ſaid *William Penn* or his Heirs; and in every of the ſaid Manors to have and to hold a Court-Baron, with all Things whatſoever which to a Court-Baron do belong, and to have and to hold View of Frank-Pledge for the Conſervation of the Peace and the better Government of thoſe Parts, by themſelves or their Stewards, or by the Lords for the Time being of the Manors to be deputed when they ſhall be erected, and in the ſame to uſe all Things belonging to the View of Frank-Pledge. AND we do further grant Licence and Authority, That every ſuch Perſon or Perſons who ſhall erect any ſuch Manor or Manors as aforeſaid, ſhall or may grant all or any Part of his ſaid Land to any Perſon or Perſons, in Fee-ſimple, or any other Eſtate of Inheritance to be held of the ſaid Manors reſpectively, ſo as no farther Tenure ſhall be created, but that upon all further or other Alienation thereafter to be made, the ſaid Lands ſo aliened ſhall be held of the ſame Lord and his Heirs, of whom the Alienor did then before hold, and by the like Rents and Services which were before due and accuſtomed.

Leave to erect Manors;

And to hold Courts therein; &c.

SECT. XX.

AND FURTHERMORE our Pleaſure is, and by theſe Preſents, for us, our Heirs and Succeſſors, we do covenant and grant to and with the ſaid *William Penn*, his Heirs and Aſſigns, That we, our Heirs and Succeſſors, ſhall at no Time hereafter ſet or make, or cauſe to be ſet or made, any Impoſition, Cuſtom or other Taxation, Rate or Contribution whatſoever, in and upon the Dwellers and Inhabitants of the aforeſaid Province, for their Lands, Tenements, Goods or Chattles within the ſaid Province, or in and upon any Goods and Merchandizes within the Province, or to be laden or unladen within the Ports or Harbours of the ſaid Province, unleſs the ſame be with the Conſent of the Proprietary, or chief Governor, or Aſſembly, or by Act of Parliament in *England*,

No Taxes &c. to be impoſ'd on the People, without their Conſent, or Act of Parliament.

SECT. XXI.

AND Our Pleaſure is, and for us, our Heirs and Succeſſors, we charge and command, That this our Declaration ſhall from henceforth from time to time be received and allowed in all our Courts; and before all the Judges of us, our Heirs and Succeſſors, for a ſufficient lawful Diſcharge, Payment and Acquittance; commanding all the Officers and Miniſters of us, our Heirs and Succeſſors, and enjoining them upon Pain of our higheſt Diſpleaſure, that they do not preſume at any Time to attempt any thing to the contraty of the Premiſes, or do in any ſort withſtand the ſame, but that they be at all Times aiding and aſſiſting, as is fitting, to the ſaid *William Penn*, and his Heirs, and unto the Inhabitants and Merchants of the Province aforeſaid, their Servants, Miniſters, Factors and Aſſigns, in the full Uſe and Fruition of the Benefit of this our Charter.

SECT. XXII.

AND our farther Pleaſure is, and we do hereby for us, our Heirs and Succeſſors, charge and require, that if any of the Inhabitants of the ſaid Province, to the Number of Twenty, ſhall at any Time hereafter be deſirous, and ſhall by any Writing, or by any Perſon deputed by them, ſignify ſuch their Deſire to the Biſhop of *London* for the Time being, that any Preacher or Preachers, to be approved of by the ſaid Biſhop, may be ſent unto them for their Inſtruction; that then ſuch Preacher or Preachers ſhall and may reſide within the ſaid Province, without any Denial or Moleſtation whatſoever.

Twenty of the Inhabitants petitioning the Biſhop of London, may have a Preacher,

SECT. XXIII.

AND if perchance hereafter any Doubt or Queſtion ſhould ariſe, concerning the true Senſe and Meaning of any Word, Clauſe or Sentence contained in this our preſent Charter, we will, ordain and command, that at all Times and in all Things, ſuch Interpretation be made thereof, and allowed in any of our Courts whatſoever, as ſhall be adjudged moſt advantageous and favourable unto the ſaid *William Penn*, his Heirs and Aſſigns: Provided always no Interpretation be admitted thereof by which the Allegiance due unto us, our Heirs and Succeſſors may ſuffer any Prejudice or Diminution; although expreſs Mention be not made in theſe Preſents of the true yearly Value, or Certainty of the Premiſes, or any Part thereof, or of other Gifts and Grants made by us and our Progenitors or Predeceſſors unto the ſaid *William Penn*; any Statute, Act, Ordinance, Proviſion, Proclamation or Reſtraint heretofore had, made, publiſhed, ordained or provided, or any other Thing, Cauſe or Matter whatſoever to the contrary thereof in any wiſe notwithſtanding In Witneſs whereof we have cauſed theſe our Letters to be made Patent: Witneſs ourſelf, at *Weſtminſter*, the fourth Day of *March* in the Three-and-thirtieth Year of our Reign, Annoque Domini One Thouſand Six Hundred and Eighty-one.

If any Doubts concerning the true Senſe of this Charter ſhould ariſe, it ſhall be conſtrued in favour of the Proprietor, &c.

Date.

By Writ of Privy Seal,

PIGOTT.

I.

Certain CONDITIONS *or* CONCESSIONS *agreed upon by* WILLIAM PENN, *Proprietary and Governor of the Province of* Pennſylvania, *and thoſe who are the* Adventurers *and* Purchaſers *in the ſame Province, the Eleventh of* July, *One Thouſand Six Hundred and Eighty-one.*

FIRST.

Ground for a City to be laid out.

THAT ſo ſoon as it pleaſeth God that the aboveſaid Perſons arrive there, a certain Quantity of Land or Ground-plat ſhall be laid out for a large Town or City, in the moſt convenient Place upon the River for Health and Navigation; and every Purchaſer and Adventurer ſhall, by Lot, have ſo much Land therein as will anſwer to the Propottion which he hath bought or taken up upon Rent: But it is to be noted, that the Surveyors ſhall conſidet what Roads or Highways will be neceſſary to the Cities, Towns, or through the Lands. Great Roads from City to City not to contain leſs than Forty Foot in Breadth, ſhall be firſt laid out and declared to be for Highways, before the Dividend of Acres to be laid out for the Purchaſer, and the like Obſervation to be had for the Streets in the Towns and Cities, that there may be convenient Roads and Streets preſerved, not to be incroached upon by any Planter or Builder, that none may build irregularly to the Damage of another. *In this, Cuſtom governs.*

II.

In Proportion to the Land taken up in the Country &c.

THAT the Land in the Town be laid out together after the Proportion of Ten Thouſand Acres of the whole Country, that is, two hundred Acres, if the Place will bear it: However, that the Proportion be by Lot, and entire, ſo as thoſe that deſire to be together, eſpecially thoſe that are by the Catalogue laid together, may be ſo laid together both in the Town and Country.

III.

No Purchaſer to hold above 1000 Acres in one Tract unſettled, &c.

THAT when the Country Lots are laid out, every Purchaſer, from One Thouſand to Ten Thouſand Acres or more, nor to have above One Thouſand Acres together, unleſs in three Years they plant a Family upon every Thouſand Acres; but that all ſuch as purchaſe together, lie together; and if as many as comply with this Condition, that the whole be laid out together.

IV.

nor plant to the Prejudice of others.

THAT where any Number of Purchaſers, more or leſs, whoſe Number of Acres amounts to Five or Ten Thouſand Acres, deſire to ſit together in a Lot or Townſhip, they ſhall have their Lot or Townſhip caſt together in ſuch Places as have convenient Harbours or navigable Rivers attending it, if ſuch can be found; and in caſe any one or more Purchaſers plant not according to Agreement in this Conceſſion, to the Prejudice of others of the ſame Townſhip, upon Complaint thereof made to the Governor or his Deputy, with Aſſiſtance, they may award (if they ſee Cauſe) that the complaining Purchaſer may, paying the Survey-money, and Purchaſe-money, and Intereſt thereof, be intitled, inrolled, and lawfully inveſted in the Lands ſo not ſeated.

V.

Ten Acres in the City to be laid out for every Purchaſer of 500.

THAT the Proportion of Lands that ſhall be laid out in the firſt great Town or City, for every Purchaſer, ſhall be after the Proportion of ten Acres for every five Hundred Acres purchaſed, if the Place will allow it.

VI.

THAT notwithſtanding there be no mention made in the ſeveral Deeds made to the Purchaſers, yet the ſaid *William Penn* does accord and declare, that all Rivers, Rivulets, Woods and Underwoods, Waters, Water-courſes, Quarries, Mines and Minerals (except Mines Royal) ſhall be freely and fully enjoyed, and wholly, by the Purchaſers into whoſe Lot they fall.

VII.

Quit-rent on the 50 Acres allotted to Servants, &c.

That for every fifty Acres that ſhall be allotted to a Servant at the End of his Service, his Quit-rent ſhall be *Two Shillings per Annum*, and the Maſter or Owner of the Servant, when he ſhall take up the other fifty Acres, his Quit-rent ſhall be *Four Shillings* by the Year, or if the Maſter of the Servant (by Reaſon in the Indentures he is ſo obliged to do) allot out to the Servant fifty Acres in his own Diviſion, the ſaid Maſter ſhall have on Demand allotted him from the Governor, the one Hundred Acres at the chief Rent of *Six Shillings per Annum*.

VIII.

Gold and Silver Mines how to be divided.

AND for the Encouragement of ſuch as are ingenious and willing to ſearch out Gold and Silver Mines in this Province, it is hereby agreed, that they have Liberty to bore and dig in any Man's Property, fully paying the Damage done; and in caſe a Diſcovery ſhould be made, that the Diſcoverer have one Fifth, the Owner of the Soil (if not the Diſcoverer) a tenth Part, the Governor two Fifths, and the reſt to the publick Treaſury, ſaving to the King the Share reſerved by Patent.

IX.

Reſervation of 10 Acres in every 100000.

IN every Hundred Thouſand Acres, the Governor and Proprietary, by Lot, reſerveth Ten to himſelf, what ſhall lie but in one Place.

X.

Purchaſers obliged to plant in 3 Years, &c.

THAT every Man ſhall be bound to plant or man ſo much of his Share of Land as ſhall be ſet out and ſurveyed within three Years after it is ſo ſet out and ſurveyed, or elſe it ſhall be lawful for New-comers to be ſettled thereupon, paying to them their Surveymoney, and they go up higher for their Shares.

XI.

XI.

THERE ſhall be no buying and ſelling, be it with an *Indian*, or one among another, of any Goods to be exported, but what ſhall be performed in publick Market, when ſuch Places ſhall be ſet apart or erected, where they ſhall paſs the publick Stamp or Mark. If bad Ware and prized as good, or deceitful in Proportion or Weight, to forfeit the Value as if good and full Weight and Proportion, to the publick Treaſury of the Province, whether it be the Merchandize of the *Indian*, or that of the Planters. Buying and ſelling to be in publick Market only.

XII.

AND FORASMUCH as it is uſual with the Planters to over-reach the poor Natives of the Country in Trade, by Goods not being good of the Kind, or debaſed with Mixtures, with which they are ſenſibly aggrieved, it is agreed, whatever is ſold to the *Indians*, in Conſideration of their Furs, ſhall be ſold in the Market-place, and there ſuffer the Teſt, whether good or bad; if good, to paſs; if not good, not to be ſold for good, that the Natives may not be abuſed nor provoked.

XIII.

THAT no Man ſhall by any Ways or Means, by Word or Deed, affront or wrong any *Indian*, but he ſhall incur the ſame Penalty of the Law as if he had committed it againſt his Fellow-Planter; and if any *Indian* ſhall abuſe, in Word or Deed, any Planter of this Province, that he ſhall not be his own Judge upon the *Indian*, but he ſhall make his Complaint to the Governor of the Province, or his Lieutenant or Deputy, or ſome inferior Magiſtrate near him, who ſhall, to the utmoſt of his Power, take Care with the King of the ſaid *Indian*, that all reaſonable Satisfaction be made to the ſaid Planter. Indians not to be abuſed

XIV.

THAT all Differences between the Planters and the Natives ſhall alſo be ended by twelve Men, that is, by ſix Planters and ſix Natives, that ſo we may live friendly together as much as in us lieth, preventing all Occaſions of Heart-burnings and Miſchief.

XV.

THAT the *Indians* ſhall have Liberty to do all Things relating to Improvement of their Ground, and providing Suſtenance for their Families, that any of the Planters ſhall enjoy.

XVI.

THAT the Laws, as to Slanders, Drunkenneſs, Swearing, Curſing, Pride in Apparel, Treſpaſſes, Diſtreſſes, Replevins, Weights and Meaſures, ſhall be the ſame as in *England*, till altered by Law in this Province. The Laws in ſeveral caſes to be as in England, till altered.

XVII.

THAT all ſhall mark their Hogs, Sheep and other Cattle, and what are not marked within three Months after it is in their Poſſeſſion, be it young or old, it ſhall be forfeited to the Governor, that ſo People may be compelled to avoid the Occaſion of much Strife between Planters.

XVIII.

THAT in clearing the Ground, Care be taken to leave one Acre of Trees for every five Acres cleared, eſpecially to preſerve Oak and Mulberries for Silk and Shipping. One Acre of Wood to be left for every 5 cleared.

XIX.

THAT all Ship-maſters ſhall give an Account of their Countries, Names, Ships, Owners, Freights and Paſſengers, to an Officer to be appointed for that Purpoſe, which ſhall be regiſtered within two Days after their Arrival; and if they ſhall refuſe ſo to do, that then none preſume to trade with them, upon Forfeiture thereof; and that ſuch Maſters be looked upon as having an evil Intention to the Province.

XX.

THAT no Perſon leave the Province, without Publication being made thereof in the Market-Place, *Three* Weeks before, and a Certificate from ſome Juſtice of the Peace, of his Clearneſs with his Neighbours and thoſe he hath dealt withal, ſo far as ſuch Aſſurance can be attained and given: And if any Maſter of a Ship ſhall, contrary hereunto, receive and carry away any Perſon that hath not given that publick Notice, the ſaid Maſter ſhall be liable to all Debts owing by the ſaid Perſon ſo ſecretly tranſported from the Province. *Laſtly*, that theſe are to be added to, or corrected, by and with the Conſent of the Parties hereunto ſubſcribed.

WILLIAM PENN.

Sealed and delivered in the Preſence of
William Boelham,
Harbert Springet,
Thomas Prudyard.

Sealed and delivered in the Preſence of all the Proprietors who have hereunto ſubſcribed, except Thomas Farringborrough *and* John Goodſon, *in the Preſence of*
Hugh Chamberlen,
R. Murray,
Harbert Springet,

Humphry South,
Thomas Barker,
Samuel Jobſon,
John Joſeph Moore,
William Powel,
Richard Davie,
Griffith Jones,
Hugh Lambe,
Thomas Farrinborrough,
John Goodſon,

II.

The FRAME *of the* GOVERNMENT *of the Province of* Pennſylvania, *in* America. *Dated April* 25th. 1682.

III.

The FRAME *of the* GOVERNMENT *of the Province of* Pennſylvania, *and the Territories thereunto annexed in* America. *Dated April* 2d. 1683.

IV.

The CHARTER *of* PRIVILEGES *granted by* WILLIAM PENN, Eſq; *to the Inhabitants of* Pennſylvania *and Territories,*

Recital of the Kings Letters Patent

WILLIAM PENN, Proprietary and Governor of the Province of *Pennſylvania* and Territories thereunto belonging, To all to whom theſe Preſents ſhall come, ſendeth Greeting. WHEREAS King *CHARLES the Second*, by His Letters Patents, under the Great Seal of *England*, bearing Date the *Fourth* Day of *March*, in the Year *One Thouſand Six Hundred and Eighty*, was graciouſly pleaſed to give and grant unto me, and my Heirs and Aſſigns for ever, this Province of *Pennſylvania*, with divers great Powers and Juriſdictions for the well Government thereof,

of the Duke of York's Deed of Feoffment.

AND WHEREAS the King's deareſt Brother *JAMES Duke of YORK and ALBANY*, &c. by his Deeds of Feoffment, under his Hand and Seal duly perfected, bearing Date the *Twenty-Fourth* Day of *Auguſt*, *One Thouſand Six Hundred Eighty and Two*, did grant unto me, my Heirs and Aſſigns, all that Tract of Land, now called the Territories of *Pennſylvania*, together with Powers and Juriſdictions for the good Government thereof,

of the former Charter

AND WHEREAS for the Encouragement of all the Freemen and Planters, that might be concern'd in the ſaid Province and Territories, and for the good Government thereof, I the ſaid WLLIAM PENN, in the Year *One Thouſand Six Hundred Eighty and Three*, for me, my Heirs and Aſſigns, did grant and confirm unto all the Freemen, Planters and Adventurers therein, divers Liberties, Franchiſes and Properties, as by the ſaid Grant, entituled *The* FRAME *of the Government of the Province of* Pennſylvania *and Territories thereunto belonging, in* America, may appear; which Charter or Frame being found in ſome Parts of it, not ſo ſuitable to the preſent Circumſtances of the Inhabitants, was in the *Third* Month, in the Year, *One Thouſand Seven Hundred*, delivered up to me, by *Six* Parts of *Seven* of the Freemen of this Province and Territories, in General Aſſembly met, Proviſion being made in the ſaid Charter, for that End and Purpoſe.

AND WHEREAS I was then pleaſed to promiſe, That I would reſtore the ſaid Charter to them again, with neceſſary Alterations, or in lieu thereof, give them another, better adapted to anſwer the preſent Circumſtances and Conditions of the ſaid Inhabitants; which they have now, by their Repreſentatives in General Aſſembly met at *Philadelphia*, requeſted me to grant.

KNOW YE THEREFORE, That for the further Wellbeing and good Government of the ſaid Province, and Territories; and in Purſuance of the Rights and Powers before-mentioned, I the ſaid *William Penn* do declare, grant and confirm, unto all the Freemen, Planters and Adventurers, and other Inhabitants in this Province and Territories, theſe following Liberties, Franchiſes and Privileges, ſo far as in me lieth, to be held, enjoyed and kept, by the Freemen, Planters and Adventurers, and other Inhabitants of and in the ſaid Province and Territories thereunto annexed, for ever.

FIRST.

Liberty of Conſcience and religious Worſhip eſtabliſhed.

BECAUSE no People can be truly happy, though under the greateſt Enjoyment of Civil Liberties, if abridged of the Freedom of their Conſciences, as to their Religious Profeſſion and Worſhip: And Almighty God being the only Lord of Conſcience, Father of Lights and Spirits; and the Author as well as Object of all divine Knowledge, Faith and Worſhip, who only doth enlighten the Mind, and perſuade and convince the Underſtandings of People, I do hereby grant and declare, That no Perſon or Perſons, inhabiting in this Province or Territories, who ſhall confeſs and acknowledge *One* almighty God, the Creator, Upholder and Ruler of the World; and profeſs him or themſelves obliged to live quietly under the Civil Government, ſhall be in any Caſe moleſted or prejudiced, in his or their Perſon or Eſtate, becauſe of his or their conſciencious Perſuaſion or Practice, nor be compelled to frequent or maintain any religious Worſhip, Place or Miniſtry, contrary to his or their Mind, or to do or ſuffer any other Act or Thing, contrary to their religious Perſuaſion.

Chriſtians of all Denominations are capable of Offices, promiſing Allegiance to the King, &c Repealed by the Queen. A. 1705.

AND that all Perſons who alſo profeſs to believe in *Jeſus Chriſt*, the Saviour of the World, ſhall be capable (notwithſtanding their other Perſuaſions and Practices in Point of Conſcience and Religion) to ſerve this Government in any Capacity, both legiſlatively and executively, he or they ſolemnly promiſing, when lawfully required, Allegiance to the King as Sovereign, and Fidelity to the Proprietary and Governor, and taking the Atteſts as now eſtabliſhed by Law made at *New-Caſtle*, in the Year *One Thouſand Seven Hundred*, entituled, *An Act directing the Atteſts of ſeveral Officers and Miniſters*, as now amended and confirmed this preſent Aſſembly.

II.

An Aſſembly ſhall be choſen yearly.

FOR the well governing of this Province and Territories, there ſhall be an Aſſembly yearly choſen, by the Freemen thereof, to conſiſt of Four Perſons out of each County, of moſt Note for Virtue, Wiſdom and Ability, (or of a greater Number at any Time, as the Governor and Aſſembly ſhall agree) upon the *Firſt* Day of *October* for ever; and ſhall ſit on the *Fourteenth* Day of the ſame Month, at *Philadelphia*, unleſs the Governor and Council for the Time being, ſhall

ſhall ſee Cauſe to appoint another Place within the ſaid Province or Territories: Which Aſſembly ſhall have Power to chuſe a Speaker and other their Officers; and ſhall be Judges of the Qualifications and Elections of their own Members; ſit upon their own Adjournments; appoint Committees; prepare Bills in order to paſs into Laws; impeach Criminals, and redreſs Grievances; and ſhall have all other Powers and Privileges of an Aſſembly, according to the Rights of the free-born Subjects of *England*, and as is uſual in any of the King's Plantations in *America*. Their Powers and Privileges.

AND if any County or Counties, ſhall refuſe or neglect to chuſe their reſpective Repreſentatives as aforeſaid, or if choſen, do not meet to ſerve in Aſſembly, thoſe who are ſo choſen and met, ſhall have the full Power of an Aſſembly, in as ample Manner as if all the Repreſentatives had been choſen and met, provided they are not leſs than *Two Thirds* of the whole Number that ought to meet. Two Thirds met ſhall have the Power of the whole.

AND that the Qualifications of Electors and Elected, and all other Matters and Things relating to Elections of Repreſentatives to ſerve in Aſſemblies, though not herein particularly expreſſed, ſhall be and remain as by a Law of this Government, made at *New-Caſtle* in the Year *One Thouſand Seven Hundred*, entitled, *An Act to aſcertain the Number of Members of Aſſembly, and to regulate the Elections*. The Qualifications of Electors and Elected. Repealed by the Queen 1705.

III.

THAT the Freemen in each reſpective County at the Time and Place of Meeting for Electing their Repreſentatives to ſerve in Aſſembly, may as often as there ſhall be Occaſion, chuſe a double Number of Perſons to preſent to the Governor for Sheriffs and Coroners, to ſerve for Three Years, if they ſo long behave themſelves well; out of which reſpective Elections and Preſentments, the Governor ſhall nominate and commiſſionate one for each of the ſaid Offices, the Third Day after ſuch Preſentment, or elſe the Firſt named in ſuch Preſentment for each Office as aforeſaid, ſhall ſtand and ſerve in that Office for the Time before reſpectively limited; and in Caſe of Death and Default, ſuch Vacancies ſhall be ſupplied by the Governor, to ſerve to the End of the ſaid Term. Power to chuſe Sheriffs and Coroners.

PROVIDED ALWAYS, That if the ſaid Freemen ſhall at any Time neglect or decline to chuſe a Perſon or Perſons for either or both the aforeſaid Offices, then and in ſuch Caſe, the Perſons that are or ſhall be in the reſpective Offices of Sheriffs or Coroner, at the Time of Election, ſhall remain therein, until they ſhall be removed by another Election as aforeſaid.

AND that the Juſtices of the reſpective Counties ſhall or may nominate and preſent to the Governor Three Perſons, to ſerve for Clerk of the Peace for the ſaid County, when there is a Vacancy; one of which the Governor ſhall commiſſionate within Ten Days after ſuch Preſentment, or elſe the Firſt nominated ſhall ſerve in the ſaid Office during good Behaviour. Clerk of the Peace to be preſented to the Governor by the Juſtices.

IV.

THAT the Laws of this Government ſhall be in this Stile, viz, *By the Governor, with the Conſent and Approbation of the Freemen in General Aſſembly met*: and ſhall be, after Confirmation by the Governor, forthwith recorded in the Rolls Office, and kept at *Philadelphia*, unleſs the Governor and Aſſembly ſhall agree to appoint another Place. Stile of the Laws.

V.

THAT all Criminals ſhall have the ſame Privileges of Witneſſes and Council as their Proſecutors.

VI.

THAT no Perſon or Perſons ſhall or may, at any Time hereafter, be obliged to anſwer any Complaint, Matter or Thing whatſoever, relating to Property, before the Governor and Council, or in any other Place, but in the ordinary Courſe of Juſtice, unleſs Appeals thereunto ſhall be hereafter by Law appointed.

VII.

THAT no Perſon within this Government ſhall be licenſed by the Governor to keep Ordinary, Tavern or Houſe of publick Entertainment, but ſuch who are firſt recommended to him, under the Hands of the Juſtices of the reſpective Counties, ſigned in open Court; which Juſtices are and ſhall be hereby impowered, to ſuppreſs and forbid any Perſon keeping ſuch Publick-houſe as aforeſaid, upon their Misbehaviour, on ſuch Penalties as the Law doth or ſhall direct; and to recommend others from time to time as they ſhall ſee Occaſion. Tavern-keepers, &c. to be recommended before licenſed.

VIII.

IF any Perſon, through Temptation or Melancholy, ſhall deſtroy himſelf, his Eſtate, real and perſonal, ſhall notwithſtanding deſcend to his Wife and Children, or Relations, as if he had died a natural Death; and if any Perſon ſhall be deſtroyed or killed by Caſualty or Accident, there ſhall be no Forfeiture to the Governor by Reaſon thereof. The Eſtate of Perſons deſtroying themſelves, ſhall deſcend.

AND no Act, Law or Ordinance whatſoever, ſhall at any Time hereafter, be made or done, to alter, change or diminiſh the Form or Effect of this Charter, or of any Part or Clauſe therein, contrary to the true Intent and Meaning thereof, without the Conſent of the Governor for the Time being, and ſix Parts of Seven of the Aſſembly met.

Liberty of Conſcience ſhall be inviolable for ever.

BUT becauſe the Happineſs of Mankind depends ſo much upon the enjoying of Liberty of their Conſciences as aforeſaid, I do hereby ſolemnly declare, promiſe and grant, for me, my Heirs and Aſſigns, That the firſt Article of this Charter relating to Liberty of Conſcience, and every Part and Clauſe thereof, according to the true Intent and Meaning thereof, ſhall be kept and remain without any Alteration inviolably for ever.

The Proprietary ſolemnly confirms this Charter.

AND LASTLY, I the ſaid *William Penn*, Proprietary and Governor of the Province of *Pennſylvania*, and Territories thereunto belonging, for myſelf, my Heirs and Aſſigns, have ſolemnly declared, granted and confirmed, and do hereby ſolemnly declare, grant and confirm, That neither I, my Heirs or Aſſigns, ſhall procure or do any Thing or Things whereby the Liberties in this Charter contain'd and expreſſ'd, nor any Part thereof, ſhall be infringed or broken: And if any Thing ſhall be procured or done, by any Perſon or Perſons, contrary to theſe Preſents, it ſhall be held of no Force or Effect.

Date.

IN WITNESS whereof, I the ſaid *William Penn*, at *Philadelphia*, in *Pennſylvania*, have unto this preſent Charter of Liberties, ſet my Hand and broad Seal, this Twenty-eighth Day of *October*, in the Year of our Lord One Thouſand Seven Hundred and One, being the Thirteenth Year of the Reign of King *WILLIAM* the Third, over *England*, *Scotland*, *France* and *Ireland*, &c. and the Twenty-firſt Year of my Government.

Proviſo that the Province and Territories may ſeparate in Legiſlation.

AND notwithſtanding the Cloſure and Teſt of this preſent Charter as aforeſaid, I think fit to add this following Proviſo thereunto, as Part of the ſame, *That is to ſay*, That notwithſtanding any Clauſe or Clauſes in the above mentioned Charter, obliging the Province and Territories to join together in Legiſlation, I am content, and do hereby declare, that if the Repreſentatives of the Province and Territories ſhall not hereafter agree to join together in Legiſlation, and that the ſame ſhall be ſignified to me, or my Deputy, in open Aſſembly, or otherwiſe from under the Hands and Seals of the Repreſentatives for the Time being of the Province and Territories, or the major Part of either of them, at any Time within three Years from the Date hereof, that in ſuch Caſe the Inhabitants of each of the Three Counties of this Province ſhall not have leſs than eight Perſons to repreſent them in Aſſembly for the Province; and the Inhabitants of the Town of *Philadelphia* (when the ſaid Town is incorporated) two Perſons to repreſent them in Aſſembly; and the Inhabitants of each County in the Territories, ſhall have as many Perſons to repreſent them in a diſtinct Aſſembly for the Territories as ſhall be by them requeſted as aforeſaid.

and ſhall nevertheleſs enjoy ſeparately the Privileges granted to them jointly

NOTWITHSTANDING which Separation of the Province and Territories, in reſpect of Legiſlation, I do hereby promiſe, grant and declare, That the Inhabitants of both Province and Territories, ſhall ſeparately enjoy all other Liberties, Privileges and Benefits granted jointly to them in this Charter, any Law, Uſage or Cuſtom of this Government heretofore made and practiſed, or any Law made and paſſed by this General Aſſembly to the contrary hereof notwithſtanding.

WILLIAM PENN.

Acceptation. *This* CHARTER *of* PRIVILEGES *being diſtinctly read in Aſſembly, and the Whole and every Part thereof being approved of and agreed to by us, we do thankfully receive the ſame from our Proprietary and Governor, at Philadelphia, this Twenty-eighth Day of* October, *One Thouſand Seven Hundred and One.* 1701.

Signed on Behalf, and by Order of the Aſſembly, *per*

JOSEPH GROWDON, *Speaker.*

Edward Shippen, *Griffith Owen*, *Phineas Pemberton*, *Caleb Puſey*, *Samuel Carpenter*, *Thomas Story*, } Proprietary and Governor's Council.

Recorded Pat. Book, A. Vol. 2. p. 125.

V.

The CHARTER *of the Town of* GERMAN-TOWN, *dated* Auguſt 12*th*, 1689.---Not uſed.

Recorded Pat. Book, A. Vol. 1. p. 277.

VI.

The CHARTER of the City of Philadelphia.

Philadelphia erected into a City.

WILLIAM PENN, Proprietary and Governor of the Province of *Pennſylvania*, &c. To all to whom theſe Preſents ſhall come, ſends Greeting. &c. KNOW YE, That at the humble Requeſt of the Inhabitants and Settlers of this Town of *Philadelphia*, being ſome of the firſt Adventurers and Purchaſers within this Province, for their Encouragement, and for the more immediate and entire Government of the ſaid Town, and better Regulation of Trade therein, I have, by Virtue of the King's Letters Patent under the Great Seal of *England*, erected the ſaid Town into a Burrough, and by theſe Preſents do erect the ſaid Town and Burrough of *Philadelphia* into a CITY; which ſaid City ſhall extend the Limits and Bounds as it is laid out between *Delaware* and *Schuylkill*.

AND

AND I do for me, my Heirs and Aſſigns, grant and ordain, that the Streets of the ſaid City ſhall for ever continue as they are now laid out and regulated; and that the Ends of each Street extending into the River *Delaware*, ſhall be and continue free for the Uſe and Service of the ſaid City, and the Inhabitants thereof, who may improve the ſame for the beſt Advantage of the ſaid City, and build Wharffs ſo far our into the River there as the Mayor, Aldermen and Common-Council, herein after mentioned, ſhall ſee meet. Streets and the Ends thereof on Delaware free.

AND I do nominate *Edward Shippen* to be the preſent Mayor, who ſhall ſo continue until another be choſen, as is herein after directed. First Mayor named.

AND I do hereby aſſign and name *Thomas Story* to be preſent Recorder, to do and execute all Things which unto the Office of Recorder of the ſaid City doth or may belong. Recorder.

AND I do appoint *Thomas Farmar* to be preſent Sheriff, and *Robert Aſheton* to be preſent Town-Clerk, and Clerk of the Peace, and Clerk of the Court and Courts. Sheriff and Clerk.

AND I do hereby name, conſtitute and appoint *Joſhua Carpenter*, *Griffith Jones*, *Anthony Morris*, *Joſeph Wilcox*, *Nathan Stanbury*, *Charles Read*, *Thomas Maſters*, and *William Carter*, Citizens and Inhabitants of the ſaid City, to be preſent Aldermen of the ſaid City of *Philadelphia*. Aldermen.

AND I do alſo nominate and appoint *John Parſons*, *William Hudſon*, *William Lee*, *Nehemiah Allen*, *Thomas Paſchal*, *John Bud*, junior, *Edward Smout*, *Samuel Buckley*, *James Atkinſon*, *Pentecoſt Teague*, *Francis Cook* and *Henry Badcocke*, to be preſent twelve Common-Council Men of the ſaid City. and Common council men.

AND I do by theſe Preſents, for me, my Heirs and Succeſſors, give, grant and declare, that the ſaid Mayor, Recorder, Aldermen and Common-Council-Men for the Time being, and they which hereafter ſhall be Mayor, Recorder, Aldermen and Common-Council-Men within the ſaid City, and their Succeſſors, for ever hereafrer, be and ſhall be, by Virtue of theſe Preſents, one Body corporate and politick in Deed, and by the Name of the Mayor and Commonalty of *Philadelphia*, in the Province of *Penſilvania*: And them by the Name of Mayor and Commonalty of the City of *Philadelphia*, one Body politick and corporate in Deed and in Name, I do for me, my Heirs and Succeſſors, fully create, conſtitute and confirm by theſe Preſents; and that by the ſame Names of Mayor and Commonalty of the City of *Philadelphia*, they may have perpetual Succeſſion; and that they and their Succeſſors, by the Name of Mayor and Commonalty of the City of *Philadelphia*, be, and at all Times hereafter ſhall be, Perſons able and capable in Law, to have, get, receive and poſſeſs Lands, Tenements, Rents, Liberties, Juriſdictions, Franchiſes and Hereditaments, to them and their Succeſſors, in Fee-ſimple, or for Term of Life, Lives, Years or otherwiſe; and alſo Goods, Chattels and other Things, of what Nature, Kind, or Quality ſoever. Incorporating Clauſe. Power to hold Lands, &c.

AND alſo to give, grant, let, ſett and aſſign the ſame Lands, Tenements, Hereditaments, Goods and Chattels, and to do and execute all other Things about the ſame, by the Name aforeſaid; and alſo, that they be and ſhall be for ever hereafter Perſons able and capable in Law, to ſue and be ſued, plead and be impleaded, anſwer and be anſwered unto, defend and be defended, in all or any the Courts and other Places, and before any Judges, Juſtices, and other Perſons whatſoever within the ſaid Province, in all Manner of Actions, Suits, Complaints, Pleas, Cauſes and Matters whatſoever, and of what Nature or Kind ſoever. And to ſell or diſpoſe of the ſame &c.

AND that it ſhall and may be lawful to and for the ſaid Mayor and Commonalty of the ſaid City of *Philadelphia*, and their Succeſſors, for ever hereafter, to have and uſe one common Seal for the Sealing of all Buſineſſes touching the ſaid Corporation, and the ſame from time to time at their Will and Pleaſure to change or alter. Seal.

AND I do for me, my Heirs and Succeſſors, give, and by theſe Preſents grant full Power and Authority unto the Mayor, Recorder and Common-Council of the ſaid City of *Philadelphia*, or any *Five* or more of the Aldermen, and *Nine* or more of the Common-Council-Men, the Mayor and Recorder for the Time being, or either of them. being preſent, on the Firſt *Third Day* of the Week, in the *Eighth* Month yearly for ever hereafter, publickly to meet at a convenient Room or Place within the ſaid City, to be by them appointed for that Purpoſe, and then and there nominate, elect and chuſe one of the Aldermen to be Mayor for that enſuing Year. Power of chuſing a Mayor yearly

AND alſo to add to the Number of Aldermen and Common-Council-Men, ſuch and ſo many of thoſe, that by Virtue of theſe Preſents ſhall be admitted Freemen of the ſaid City from time to time, as they the ſaid Mayor, Aldermen and Common-Council ſhall ſee Occaſion. And adding to the Number of Aldermen and Common-Council.

AND that ſuch Perſon who ſhall be ſo elected Mayor as aforeſaid, ſhall, within Three Days next after ſuch Election, be preſented before the Governor of this Province, or his Deputy for the Time being, and there ſhall ſubſcribe the Declarations and Profeſſion of his Chriſtian Belief, according to the late Act of Parliament made in the Firſt Year of King *William*'s Reign, entituled *An Act for exempting Their Majeſties Subjects, diſſenting from the Church of* England, *from the Penalties of certain Laws*; and then and there the Mayor ſo preſented, ſhall make his ſolemn Affirmation and Engagement for the due Execution of his Office. Mayor to be qualified before the Governor.

AND that the Recorder, Sheriff, Aldermen and Common-Council-Men, and all other Officers of the ſaid City, before they or any of them ſhall be admitted to execute their reſpective Offices, ſhall make and ſubſcribe the ſaid Declarations and Profeſſion aforeſaid before the Mayor for the Time being, and at the ſame time ſhall be atteſted for the due Execution of their Offices reſpectively; which Declarations, Recorder, &c. to be qualified before the Mayor.

ens, Promiſes and Atteſtations, the Mayor of the ſaid City for the Time being is hereby impowered to take and adminiſter accordingly.

Mayor, Recorder and Aldermen, ſhall be Juſtices of the Peace, &c. for the City and Liberties

AND that the Mayor, Recorder and Aldermen of the ſaid City for the Time being, ſhall be Juſtices of the Peace, and Juſtices of Oyer and Terminer; and are hereby impowered to act within the ſaid City and Liberties thereof accordingly, as fully and amply as any Juſtice or Juſtices of the Peace or Oyer and Terminer, can or may do within the ſaid Province.

And have Power to hear and enquire into all Crimes, and Offences.

AND that they or any four of them (whereof the Mayor and Recorder of the ſaid City for the Time being ſhall be two) ſhall and may for ever hereafter have Power and Authority, by Virtue of theſe Preſents, to hear and enquire into all and all Manner of Treaſons, Murders, Man-ſlaughters, and all Manner of Felonies and other Crimes and Offences, capital and criminal whatſoever, according to the Laws of this Province and of the Kingdom of *England*, with Power alſo to hear and determine all petty Larcenies, Routs, Riots, unlawful Aſſemblies; and to try and puniſh all Perſons that ſhall be convicted for Drunkenneſs, Swearing, Scolding, breaking the Peace, or ſuch like Offences, which are by the Laws of this Province to be puniſhed by Fine, Impriſonment or Whipping; with Power alſo to award Proceſs againſt all Rioters and Breakers of the Peace, and to bind them, and all other Offenders and Perſons of evil Fame, to the Peace or good Behaviour, as any Juſtice or Juſtices of the Peace can do, without being accountable to me or my Heirs, for any Fines or Amerciaments to be impoſed for the ſaid Offences or any of them.

Power to hold Courts.

AND I do hereby impower them or any four of them (whereof the Mayor and Recorder for the Time being ſhall be two) with the City Sheriff and Town Clerk, to hold and keep a Court of Record quarterly, or oftener if they ſee Occaſion, for the enquiring, hearing and determining, of the Pleas and Matters aforeſaid; and upon their own View, or after a legal Procedure in ſome of thoſe Courts, to cauſe all Nuiſances and Encroachments in the Streets of the ſaid City to be removed, and puniſh the Parties concerned as the Law and Uſage in ſuch Caſes ſhall require.

Mayor and Recorder ſhall be of the Quorum of the County Courts, &c

AND I do by theſe Preſents aſſign and appoint, that the preſent Mayor, Recorder and Aldermen, herein before named, be preſent Juſtices of the Peace, and Oyer and Terminer, within the ſaid City; and that they and all others that ſhall be Mayors, Recorders and Aldermen of the ſaid City for the Time being, ſhall have full Power and Authority, and are hereby impowered and authorized, without any further or other Commiſſion, to be Juſtices of the Peace, and Oyer and Terminer, within the ſaid City for ever; and ſhall alſo be Juſtices of the Peace, and the Mayor and Recorder ſhall be of the *Quorum* of the Juſtices of the County Courts, Quarter ſeſſions, Oyer and Terminer and Goal-delivery, in the ſaid County of *Philadelphia*; and ſhall have full Power to award Proceſs, bind to the Peace or Behaviour, or commit to Priſon, for any Matter or Cauſe ariſing without the ſaid City and within the Body of the aforeſaid County, as Occaſion ſhall require; and to cauſe Kalenders to be made of ſuch Priſoners, which, together with all Recognizances and Examinations taken before them for or concerning any Matter or Cauſe not determinable by them, ſhall be duly returned to the Judges or Juſtices of the ſaid County, in their reſpective Courts where the ſame ſhall be cognizable.

Power to erect a Goal and Court-houſe.

AND that it may be lawful to and for the ſaid Mayor and Commonalty and their Succeſſors, when they ſee Occaſion, to erect a Goal or Priſon, and Court-houſe within the ſaid City.

Power to take Recognizance of Debts,

AND that the Mayor and Recorder for the Time being, ſhall have, and by theſe Preſents have Power to take Recognizance of Debts there, according to the Statute of Merchants, and of Action Burnel; and to uſe and affix the ſaid common Seal thereupon, and to all Certificates concerning the ſame.

and to appoint a Clerk of the Market, &c.

AND that it be lawful to and for the Mayor of the ſaid City for the Time being, for ever hereafter to nominate, and from time to time appoint the Clerk of the Market, who ſhall have Aſſize of Bread, Wine, Beer, Wood and other Things; and do, execute and perform all Things belonging to the Office of Clerk of the Market within the ſaid City.

Coroners choſen by the County, ſhall be Coroners of the City, &c.

AND I will that the Coroners to be choſen by the County of *Philadelphia* for the Time being ſhall be the Coroner of the ſaid City and Liberties thereof; but that the Freemen and Inhabitants of the ſaid City ſhall from time to time, as often as Occaſion be, have equal Liberty with the Inhabitants of the ſaid County to recommend or chuſe Perſons to ſerve in the reſpective Capacities of Coroner and Sheriffs for the County of *Philadelphia*, who ſhall reſide within the ſaid City.

The Sheriff ſhall be the Water-bailiff, &c.

AND that the Sheriff of the ſaid City and County for the Time being ſhall be the Water-bailiff, who ſhall and may execute and perform all Things belonging to the Office of Water-bailiff upon *Delaware* River, and all other navigable Rivers and Creeks within this Province.

Power of removing the Mayor for Misbehaviour,

and chuſing another,

AND in caſe the Mayor of the ſaid City for the Time being ſhall, during the Time of his Mayoralty, misbehave himſelf, or miſgovern in that Office, I do hereby impower the Recorder, Aldermen and Common-council-men, or five of the Aldermen, and nine of the Common-council-men of the ſaid City of *Philadelphia* for the Time being, to remove ſuch Mayor from his Office of Mayoralty; and in ſuch Caſe, or in caſes of Death of the ſaid Mayor for the Time being, that then another fit Perſon ſhall, within four Days next after ſuch Death or Removal, be choſen in Manner as is above directed for electing of Mayors, in the Place of him ſo dead or removed.

AND

AND leſt there ſhould be a Failure of Juſtice or Government in the ſaid City, in ſuch Interval, I do hereby appoint, that the eldeſt Alderman for the Time being ſhall take upon him the Office of a Mayor there, and ſhall exerciſe the ſame till another Mayor be choſen as aforeſaid; and in caſe of the Diſability of ſuch eldeſt Alderman, then the next in Seniority ſhall take upon him the ſaid Office of Mayor, to exerciſe the ſame as aforeſaid. The eldeſt Alderman to act as Mayor in the Interval.

AND in caſe the Recorder, or any of the Aldermen or Common-council-men of or belonging to the ſaid City, for the Time being, ſhall misbehave him or themſelves in their reſpective Offices and Places, they ſhall be removed and others choſen in their Stead, in Manner following, *that is to ſay*, The Recorder for the Time being may be removed (for Misbehaviour) by the Mayor and two Thirds of the Aldermen and Common-council-men reſpectively; and in caſe of ſuch Removal or of the Death of the Recorder, then to chuſe another fit Perſon skilled in Law, to be Recorder there, and ſo to continue during Pleaſure, as aforeſaid. And the Alderman ſo misbehaving himſelf, may be removed by the Mayor, Recorder and nine of the Aldermen and Common-council-men; and in caſe of ſuch Removal or Death, then within four Days after to chuſe a fit Perſon or Perſons to ſupply ſuch Vacancies: and the Common-council-men, Conſtables, Clerk of the Market, for Misbehaviour, ſhall be removed and others choſen, as is directed in the Caſe of Aldermen. Power of Removing the Recorder, Aldermen, or Common-council-men, and chuſing others.

AND I do alſo, for me and my Succeſſors, by theſe Preſents, grant to the ſaid Mayor and Commonalty, and their Succeſſors, that if any of the Citizens of the ſaid City ſhall be hereafter nominated, elected and choſen to the Office of Mayor, Aldermen or Common-council-men as aforeſaid, and having Notice of his or their Election, ſhall refuſe to undertake and execute that Office to which he is ſo choſen, that then, and ſo often, it ſhall and may be lawful for the Mayor and Recorder, Aldermen and Common-council-men or the major Part of the Aldermen and Common-council-men for the Time being, according to their Diſcretion, to impoſe ſuch moderate Fines upon ſuch Refuſers, ſo as the Mayor's Fine exceed not *Forty Pounds*, the Alderman's *Five-and-thirty Pounds*, and Common-council-men *Twenty Pounds*, and other Officers proportionably, to be levied by Diſtreſs and Sale, by Warrant under the common Seal, or by other lawful Ways, for the Uſe of the ſaid Corporation. And in ſuch Caſes it ſhall be lawful to chuſe others to ſupply the Defects of ſuch Refuſers, in Manner as is above directed for Elections. refuſing to ſerve in the Offices of Mayor, Recorder, Common-council-men, &c. made finable.

AND that it ſhall and may be lawful to and for the Mayor, Recorder, and one of the Aldermen for the Time being, from time to time, ſo often as they ſhall find Occaſion, to ſummon a Common-council of the ſaid City. Power of ſummoning a Common-council.

AND that no Aſſembly or Meeting of the ſaid Citizens ſhall be deemed and accounted a Common-council, unleſs the ſaid Mayor and Recorder, and at leaſt three of the Aldermen for the Time being, and nine of the Common-council-men be preſent.

AND alſo that the ſaid Mayor, Recorder, Aldermen and Common-council-men for the Time being, from Time to time, at their Common-council, ſhall have Power to admit ſuch and ſo many Freemen into their Corporation and Society as they ſhall think fit.

AND to make, and they may make, ordain, conſtitute and eſtabliſh, ſuch and ſo many good and reaſonable Laws, Ordinances and Conſtitutions (not repugnant to the Laws of *England* and this Government) as to the greateſt Part of them at ſuch Common-councils aſſembled (where the Mayor and Recorder for the Time being, are to be always preſent) ſhall ſeem neceſſary and convenient for the Government of the ſaid City. Power to make Laws and Ordinances,

AND the ſame Laws, Ordinances, Orders and Conſtitutions ſo made, to be put in Uſe and Execution accordingly, by the proper Officers of the ſaid City; and at their Pleaſure to revoke, alter and make anew as Occaſion ſhall require. and to put them in Execution, revoke them, &c.

AND alſo impoſe ſuch Mulcts and Amerciaments upon the Breakers of ſuch Laws and Ordinances, as to them in their Diſcretion ſhall be thought reaſonable; which Mulcts, as alſo all other Fines and Amerciaments to be ſet or impoſed by Virtue of the Powers granted, ſhall be levied as above is directed in Caſe of Fines, to the Uſe of the ſaid Corporation, whithout rendering any Account thereof to me, my Heirs and Succeſſors; with Power to the Common-council aforeſaid to mitigate, remit or releaſe ſuch Fines and Mulcts upon the Submiſſion of the Parties. *Provided always*, That no Perſon or Perſons hereafter ſhall have Right of electing or being elected, by Virtue of theſe Preſents, to any Office or Place judicial or miniſterial, nor ſhall be admitted Freemen of the ſaid City, unleſs they be free Denizens of this Province. and are of the Age of Twenty-one Years or upwards, and are Inhabitants of the ſaid City, and have an Eſtate of Inheritance or Freehold therein, or are worth *Fifty Pounds* in Money or other Stock, and have been reſident in the ſaid City for the Space of two Years, or ſhall purchaſe their Freedom of the Mayor and Commonalty aforeſaid. and to impoſe Mulcts, &c. What Perſons have Right to elect or be elected.

AND I do further grant to the ſaid Mayor and Commonalty of the ſaid City of *Philadelphia*, that they and their Succeſſors ſhall and may for ever hereafter hold and keep within the ſaid City, in every Week of the Year, two Market Days, the one upon the fourth Day of the Week, and the other upon the ſeventh Day of the Week, in ſuch Place or Places as is, ſhall or may be appointed for that Purpoſe by the ſaid Commonalty or their Succeſſors from time to time. Market Days.

Fairs. AND alſo two Fairs therein every Year, the one of them to begin on the ſixteenth Day of the third Month, called *May*, yearly, and ſo to be held in and about the Market-place, and continue for that Day and two Days next following; and the other of the ſaid Fairs to be held in the aforeſaid Place on the ſixteenth Day of the ninth Month yearly, and for two Days next after.

Philadelphia conſtituted a Port. AND I do for me, my Heirs and Aſſigns, by Virtue of the King's Letters Patent, make, erect and conſtitute the ſaid City of *Philadelphia* to be a Port or Harbour for diſcharging and unlading of Goods and Merchandizes out of Ships, Boats and other Veſſels, and for landing and ſhipping them in or upon ſuch or ſo many Places, Keys and Wharffs there, as by the Mayor, Aldermen and Common-council of the ſaid City ſhall from time to time be thought moſt expedient for the Accommodation and Service of the Officers of the Cuſtoms, in the Management of the King's Affairs and Preſervation of his Duties, as well as for Conveniency of Trade.

Extent of the Port. AND I do ordain and declare, that the ſaid Port or Harbour ſhall be called the Port of *Philadelphia*, and ſhall extend and be accounted to extend into all ſuch Creeks, Rivers and Places within this Province, and ſhall have ſo many Wharffs, Keys, Landing-places and Members belonging thereto for landing and ſhipping of Goods, as the ſaid Mayor, Aldermen and Common-council-men for the time being, with the Approbation of the chief Officer or Officers of the King's Cuſtoms, ſhall from time to time think fit to appoint.

The Landing-places left open, with Liberty to dig Docks &c. AND I do alſo ordain, that the Landing-places now and heretofore uſed at the *Penny-pot-houſe* and *Blue-anchor* (ſaving to all Perſons their juſt and legal Rights and Properties in the Land ſo to be left open) as alſo the Swamp between *Bud*'s Buildings and the *Society-hill*, ſhall be left open and common for the Uſe and Service of the ſaid City and all others, with Liberty to dig Docks, and make Harbours for Ships and Veſſels in all or any Part of the ſaid Swamp.

Vacant Land to remain open for Paſture until, &c. AND I do hereby grant, that all the vacant Land within the Bounds and Limits of the ſaid City, ſhall remain open as a free Common of Paſture for the Uſe of the Inhabitants of the ſaid City, until the ſame ſhall be gradually taken in, in order to build or improve thereon, and not otherwiſe, *Provided always*, that nothing herein contained, ſhall debar me or my Heirs in Time to come, from fencing in all the vacant Lands that lyes between the *Center-meeting-houſe* and the *Skuylkil*, which I intend ſhall be divided from the Land by me allotted for *Delaware* Side, by a ſtraight Line along the *Broad-ſtreet* from *Edward Shippen*'s Land, through the Center-ſquare, to *Daniel Pegg*'s Land; nor ſhall the fencing or taking in of any of the Streets, happening to be within that Incloſure on *Skuylkil*, be deemed or adjudged to be an Incroachment, where it ſhall not interfere or ſtop any of the Streets or Paſſages leading to any of the Houſes built or to be built on that Side, any Thing herein contained to the contrary notwithſtanding.

This Charter to be conſtrued in Favour of the Corporation. AND I do grant that this preſent Charter ſhall in all Courts of Law and Equity be conſtrued and taken moſt favourably and beneficialy for the ſaid Corporation.

Date. IN WITNESS whereof I have hereunto ſet my Hand, and cauſed my Great Seal to be affixed. Dated at *Philadelphia* the Five-and-twentieth Day of *October*, *Annoque Domini*, One Thouſand Seven Hundred and One, and in the Thirteenth Year of the Reign of King *WILLIAM* the Third, over *England*, &c. and the One-and-twentieth Year of my Government.

WILLIAM PENN.

Recorded Pat. Book, A. Vol. 2. p. 130.

VII.

The CHARTER of the Borough of CHESTER.

Preamble. *WILLIAM PENN*, true and abſolute Proprietary and Governor in Chief of the Province of *Penſilvania*, and Territories thereunto belonging: To all to whom theſe Preſents ſhall come, ſends Greeting. WHEREAS in my firſt Regulation and Diviſion of the Counties of this Province, I thought fit to order, That the Townſted or Village then having the Name of *Upland* ſhould be called *Cheſter*, which I thereupon conſtituted the Shire-town of the County of *Cheſter*, and ordained and appointed all my Courts of Judicature for the Affairs of that County to be there held and kept, and the County Goal or Priſon to be and remain there for ever. AND whereas about the ſame Time, or ſoon after, for the Encouragement of the ſaid Town, I was pleaſed to grant unto my ancient Friend *John Simcock*, in Behalf of

of himſelf and others the Inhabitants of the ſaid Place, the Privilege of a Market to be there weekly held and kept. After which the ſaid Inhabitants, upon their ſpecial Inſtance, did alſo obtain from my late Lieutenant Governor and Council a Grant for two Fairs to be held in the ſaid Town yearly. All which the Inhabitants of the ſaid Town, and of the adjacent Parts of the ſaid County of *Cheſter*, having humbly beſought me to confirm unto them, together with ſuch additional Privileges and Franchiſes as I might think fit or requiſite for the better Encouragement of the Settlers, and Regulation of Trade therein.

The Town of Cheſter erected into a Borough.

NOW KNOW YE, That I, favouring the juſt and reaſonable Requeſt of the ſaid Inhabitants, have of my own free Will erected, and do by theſe Preſents for me, my Heirs and Succeſſors, erect the ſaid Town into a Borough; which Town and Borough ſhall extend from the River *Delaware* two Miles backwards into the Woods; and ſhall be bounded Eaſt-ward with the Weſt Side of *Ridley-creek*, and Weſt-ward with the Eaſt Side of *Cheſter-creek* to the ſaid Extent of two Miles backwards from the River, and ſhall ever hereafter be called *CHESTER*. And I further will, that the Streets, Landings and Market-place in the ſaid Town ſhall for ever hereafter be, continue and remain, as they are already and have lately been laid out and modelled, and approved of by me and my Council, then ſitting at *New-caſtle*.

Magiſtrates nominated, and their Elections regulated.

AND I do hereby name and conſtitute *Jaſper Yeats*, *Ralph Fiſhbourn*, *Paul Saunders* and *Robert Barber*, to be preſent Burgeſſes, and *James Lownes* High-conſtable of the ſaid Borough, who ſhall ſo continue until the tenth Day of the firſt Month next. On which Day, as alſo on the ſame Day in the ſame Month yearly afterwards for ever, it ſhall and may be lawful to and for the Freeholders and Houſe-keepers of the ſaid Town and Borough publickly to meet in ſome convenient Place within the ſaid Town, to be by them appointed for that Purpoſe, and then and there nominate, elect and chooſe, by the Ballot of the Inhabitants of the ſaid Town, fit and able Men to be Burgeſſes, and High-conſtable; with ſuch other Officers as by the Burgeſſes and Freemen ſhall be judged needful for aſſiſting and ſerving the Burgeſſes in managing the Affairs of the ſaid Borough, and keeping of the Peace therein from time to time; And the Burgeſs firſt choſen in the ſaid Elections ſhall be called Chief Burgeſs of the ſaid Town.

Their Powers.

AND I will and ordain, That all the ſaid Burgeſſes for the Time being ſhall be, and are hereby impowered and authorized to be Conſervators of the Peace within the ſaid Borough; and ſhall have Power by themſelves and upon their own View, without any Law-proceeding, to remove all Nuſances and Incroachments out of the ſaid Strees as they ſhall ſee Occaſion: With Power alſo to arreſt, impriſon and puniſh Rioters and Breakers of the Peace, and to bind them and all other Offenders and Perſons of evil Fame to the Peace or good Behaviour, as fully and effectually as any of the Juſtices of the Peace in the ſaid County can do, and return or bring the Recognizances by them to be taken to the Court of Quarter-ſeſſions for the ſaid County. And that the ſaid Chief Burgeſs from time to time ſhall, by Virtue of theſe Preſents, without any further or other Commiſſion, be one of the Juſtices of the Peace, and one of the Juſtices of the County-court and Quarter-ſeſſions, Oyer and Terminer and Goal-delivery, in and for the ſaid County of *Cheſter*. And ſhall have full Power and Authority with the reſt of the ſaid County Juſtices, or a *Quorum* of them, or by himſelf, where the Laws of this Province, *&c.* directs one Juſtice to award Proceſs, and hold Pleas cognizable, by and before the Juſtices of the ſaid County of *Cheſter* from time to time.

County Officers to reſide in the Borough, &c.

Qualifications of the Magiſtrates.

AND I do hereby grant and appoint, That the Sheriff and Clerk of the Courts of the ſaid County of *Cheſter* for the Time being, if not Reſidents in the ſaid Borough, ſhall appoint and conſtitute ſufficient Deputies, who ſhall from time to time reſide or conſtantly attend in the ſaid Town of *Cheſter*, to perform the Duties of their reſpective Offices. But before any of the ſaid Burgeſſes, Conſtables, or other Officers, ſhall take upon them the Execution of their reſpective Offices, they ſhall ſubſcribe the Declaration and Profeſſion of their Chriſtian Belief, according to the late Act of Parliament, made in the firſt Year of the Reign of King WILLIAM and the late Queen MARY, intituled, "*An Act for exempting their Majeſtie's Proteſtant Subjects, diſſenting from the Church of* England, *from the Penalties of certain Laws.*" And they that are to be newly elected for Burgeſſes, Conſtables and other Officers, from time to time ſhall be atteſted for the due Execution of their reſpective Offices; and ſhall ſubſcribe the ſaid Declarations and Profeſſion of Belief before the old Burgeſſes, or ſuch of them as go off and are not again choſen in the new Elections: But in caſe the old Burgeſſes are all choſen by the new Elections, then they ſhall have Power, and are hereby impowered and qualified, to act upon their former Atteſts and Qualifications. And I do further grant and ordain, that the High-conſtable of the ſaid Borough for the Time being ſhall be Clerk of the Market, who ſhall and may have Aſſize of Bread, Wine, Beer, Wood and other Things; and to do, execute and perform, all Things belonging to the Office of Clerk of the Market within the ſaid Town and Borough of *Cheſter*.

Clerk of the Market.

Fines regulated and appropriated.

AND I do for me, my Heirs and Aſſigns, grant unto the ſaid Burgeſſes and their Succeſſors, That if any of the Inhabitants of the ſaid Town and Borough ſhall be hereafter elected to the Office of Burgeſs or Conſtable as aforeſaid, and, having Notice of his or their Election, ſhall refuſe to undertake and execute that Office to which he is ſo choſen, it ſhall be lawful for the Burgeſs or Burgeſſes then acting to impoſe moderate Fines upon the Refuſers, ſo as the Burgeſs's Fine exceed not *Ten Pounds*, and the Conſtable's *Five Pounds*; to be levied by Diſtreſs and Sale, by Warrant under the Hand and Seal of one or more of the Burgeſſes, or by other lawful Ways, to the Uſe of the ſaid Town. And in ſuch Caſes, it ſhall be lawful for the ſaid Inhabitants forthwith to chuſe others to ſupply the Defects of ſuch Refuſers.

Power to make ordinances.

And that it ſhall and may be lawful for the ſaid Burgeſſes and Conſtable for the Time being to ſummon and aſſemble Town-meetings, from time to time, as often as they ſhall find Occaſion: At which Meetings they may make ſuch Ordinances and Rules (not repugnant to, or inconſiſtent with the Laws of this Province)

(Province) as to the greateſt Part of the Town-meering ſhall ſeem neceſſary and convenient for the good Government of the ſaid Town. And the ſame Rules and Ordinances to put in Execution; and the ſame to revoke, alter or make anew, as Occaſion ſhall require. And alſo impoſe ſuch Mulcts and Amerciaments upon Breakers of the ſaid Ordinances as to the Makers thereof ſhall be thought reaſonabe; to be levied as is above directed in Caſe of Fines, to the Uſe of the Town, without rendering any Account thereof to me, my Heirs or Aſſigns: With Power alſo to the ſaid Meetings to mitigate or releaſe the ſaid Fines and Mulcts, upon the Submiſſion of the Parties.

Market and Fairs.

AND I do further grant to the ſaid Burgeſſes and Inhabitants of the aforeſaid Town and Borough of *Cheſter*, That they and their Succeſſors ſhall and may, for ever hereafter, hold and keep within the ſaid Town in every Week of the Year one Market on the fifth Day of the Week called *Thurſday*: And alſo two Fairs there in every Year, the firſt of them to begin the fifth Day of the third Month called *May*, and to continue that Day and two Days after; and the other of the ſaid Fairs to begin the fifth Day of *October*, and to continue till the ſeventh Day of the ſame Month in ſuch Place and Places in the ſaid Town as the Burgeſſes from time to time ſhall order and appoint.

This Charter not to be forfeited for non-uſing, &c.

AND I do further grant, That neither I, nor my Heirs or Aſſigns, ſhall or will ſeize any of the Liberties or Franchizes hereby granted, nor take any Advantage againſt the ſaid Borough for the non-uſing or waving the preſent Execution of any of the Powers or Privileges hereby granted.

IN WITNESS whereof I have hereunto ſet my Hand, and cauſed my Great Seal to be affixed. Dated the One-and-thirtieth Day of *October*, in the Year of our Lord One Thouſand Seven Hundred and One. 1701.

WILLIAM PENN.

Recorded Pat. Book, A. Vol. 2. p. 138.

VIII.

The CHARTER of the Borough of Briſtol.

Preamble.

GEORGE, by the Grace of GOD, of *Great-Britain*, *France* and *Ireland* King, Defender of the Faith, *&c.* To all to whom theſe Preſents ſhall come, Greeting. WHEREAS our loving Subjects, *Anthony Burton*, *John Hall*, *William Watſon*, *Joſeph Bond*, and many other Inhabitants in the Town of *Briſtol*, in the Province of *Pennſylvania*, in our Dominions in *America*, by their humble Petition preſented unto *William Keith*, Eſq; with our Royal Approbation Governor of the ſaid Province of *Pennſylvania*, on Behalf of themſelves, and others the Inhabitants and Freeholders of the ſaid Town of *Briſtol*, have ſet forth, That divers Perſons, natural-born Subjects of our Kingdom of *Great-Britain*, who were formerly Adventurers into the Province of *Pennſylvania*, and Owners of a certain Tract or Scite of Land formerly called *Buckingham*, in the County of *Bucks*, in the Province aforeſaid, did, by the Approbation of the Honourable *WILLIAM PENN*, Eſq; late Proprietor and Governor in Chief of the ſame Province of *Pennſylvania*, appropriate ſeveral Lots or Parcels of their Lands, lying or bounding on the River *Delaware*, for the Accommodation of Tradeſmen and others to build and ſettle upon; and that many People ſince have thereby been encouraged to erect Buildings, as well for the Conveniency of Trade and Cohabitation, and lay out publick Streets for the Publick Uſe and Benefit; as alſo to erect a Church and Meeting-houſe for the publick Worſhip of God in the ſaid Town; and that the Magiſtrates and Freemen of the ſaid County of *Bucks*, by the Countenance and Approbation of the Governor, cauſed a Court-houſe and Priſon to be erected there, and have for long Time held their Courts of General Quarter-ſeſſions of the Peace and Common-pleas at the ſaid Town of *Briſtol*; and becauſe that Good-order and Rule is ſo very neceſſary to the Well-being of a People and Place, though their Requeſt is not to be granted of Right, but of Grace, have humbly beſought the ſaid *William Keith*, Eſq; with our Royal Approbation Governor of our ſaid Province of *Pennſylvania*, for our Letters Patents, under the Great Seal of our ſaid Province of *Pennſylvania*, to erect the ſaid Town into a Borough, and to incorporate the Freeholders and Inhabitants of the ſame with perpetual Succeſſion by what Name ſoever the ſaid *William Keith*, Governor of our ſaid Province, ſhall think fit: As alſo, to grant ſuch Immunities and Privileges as may be thought neceſſary for the well-ordering and ruling thereof. And we being willing to promote Trade, Induſtry, Rule and Good-order, amongſt all our loving Subjects, by granting their reaſonable Requeſt in that Behalf;

Briſtol erected into a Borough.

Bounds thereof.

THEREFORE KNOW YE, That we, of our ſpecial Grace, certain Knowledge and meer Motion, have erected, and do by theſe Preſents erect, the ſaid Town of *Briſtol* into a Borough, which ſhall be called, *The Borough of Briſtol*, for ever. The Extent of which Town and Borough is and ſhall be comprized within the following Boundaries, *to wit*, Beginning at the Mouth of *Mill-creek* where it emptieth itſelf into the River *Delaware*; from thence, extending by the Channel of the ſame Creek, upwards by the ſeveral Courſes thereof to a Bridge, called *Otter's-bridge*; then by *Joſeph Bond*'s Land, North Fifty-two Degrees, Eaſt Ninety-ſix Perches to a Poſt; then North Thirty-nine Degrees, Eaſt Fifty-five Perches to a Poſt; then by the *Waſt* and the *Mill-dam* South-eaſt Fifty-eight Perches; then from the End of the ſaid Dam Eaſt eight Degrees, South one Hundred and Forty Perches to a Poſt; then South-eaſt one Hundred

Hundred and five Perches to a Poſt by the ſaid River *Delaware*; thence down the ſame River Weſt twenty-ſeven Degrees, South one Hundred and nine-ty-two Perches to the Place of Beginning, including *Phineas Pemberton*'s Survey of the ſaid Town, with Additions, according to the Agreement of the ſaid Inhabitants.

Streets regulated.

AND we do hereby grant and ordain, That the Courſes and Diſtances of the Streets already laid out in the ſaid Town and Borough ſhall be and continue as followeth, *to wit;* The *Mill-ſtreet*, containing ſix-ty-one Foot in Breadth, which begins at an Aſp Tree now ſtanding at the North-eaſt Side of the ſaid *Mill-ſtreet*, and North-weſt Side of *Radcliff-ſtreet*, ſhall extend from thence North-weſt thirteen Perches and a half to *Cedar-ſtreet:* Then three Perches for the ſaid *Cedar-ſtreet*, and twenty-one Perches to *Wood-ſtreet:* Then three Perches for that Street, and fifteen Perches to *Pond-ſtreet:* Then three Perches for that Street, and the ſame Courſe to the Mill-race. The ſaid *Radcliff* contain ſixty-ſix Foot in Breadth, which begins at the ſaid Aſp Tree, ſhall extend from thence Eaſt twenty-ſeven Degrees, North fourteen Perches and a Half to *Market-ſtreet:* Then three Perches for that Street, and twenty-ſeven Perches to *Mulberry-ſtreet:* Then three Perches for that Street, and twenty-three Perches to *Walnut-ſtreet:* Then three Perches for that Street, and the ſame Courſe to the Extent of the ſaid Town. The Streets from the ſaid *Mill-ſtreet* to the ſaid Creek, being three in Number, the firſt of them ſhall contain three Perches in Breadth, and ſhall extend from the South-weſt End of *Cedar-ſtreet* Weſt thirty-eight Degrees, South to the ſaid Creek, the Courſe of beginning at the South-weſt of *Mill-ſtreet*. The ſecond ſhall contain three Perches in Breadth, and ſhall extend from the South-weſt End of *Wood-ſtreet*, beginning at the North-eaſt Side of *Mill-ſtreet*, and runing South-weſt to the Creek. The third ſhall contain the ſame Breadth, and ſhall extend from South-weſt End of *Pond-ſtreet*; the Courſe begins at the North-eaſt Side of *Mill-ſtreet*, and run South-weſt ninty-four Foot from the South-weſt Side of *Mill-ſtreet* upon the South-eaſt Side of the ſaid *Pond-ſtreet*, and one Hundred and twenty-four Foot on the North-weſt Side thereof; and then South ten Degrees, Eaſt to the ſaid Creek. And the Streets laid out oppoſite to the Ends of the ſaid *Mill-ſtreet*, *Market-ſtreet*, *Mulberry* and *Wallnut-ſtreet*, ſhall contain the ſame Breadth with the ſaid Streets reſpectively, and ſhall extend from *Radcliff-ſtreet* aforeſaid South twenty-ſeven Degrees, eaſterly into the ſaid River *Delaware*, leaving a convenient Diſtance for publick Landings, at leaſt fifteen Foot beyond Low-water mark. And that there ſhall be another Street, containing in Breadth thirty-three Foot, called *Water-ſtreet*, which ſhall begin at *Mill-ſtreet* aforeſaid, on *Delaware*, ſixty Foot from *Radcliff-ſtreet*, and run Eaſt twenty-ſeven Degrees, North under the Bank along the River Side to the Extent of the ſaid Town on *Delaware* aforeſaid. And we further make and ordain, That all Streets and Landing-places which now are, and hereafter ſhall be laid out, within the Town aforeſaid, ſhall be always free, and kept open for all the liege People of us, our Heirs and Succeſſors, to paſs and repaſs, without any Obſtruction or Impediment whatſoever.

Officers appointed.

AND we do hereby name and conſtitute the ſaid *Joſeph Rend* and *John Hall* to be preſent Burgeſſes; and *Thomas Clifford* High conſtable of the Borough; who ſhall ſo continue until the eighth Day of *September* next enſuing the Date of theſe Preſents. On which Day, as alſo on the ſame Day in the ſame Month yearly afterwards for ever, it ſhall and may be lawful to and for the Freeholders and Houſe-keepers of the ſaid Town and Borough publickly to meet in ſome convenient Place within the ſame Town, to be by them appointed for that Purpoſe, and then and there to nominate, elect and chuſe by the Ballot, fit and able Men of the Inhabitants of the ſaid Town to be Burgeſſes and High conſtable, with all ſuch other Officers, within the ſame, for ſerving and aſſiſting the Burgeſſes in managing the Affairs of the ſaid Borough, in keeping of the Peace and good Order therein from time to times, as to the ſaid Electors, or the Majority of them, ſhall ſeem requiſite and neceſſary: And the Burgeſs firſt choſen, or having the Majority of Votes in the ſaid Elections, ſhall be called Chief Burgeſs of the ſaid Town.

and their Elections regulated.

Their Power and Duties.

AND we will and ordain, That all the ſaid Burgeſſes for the Time being ſhall be, and are hereby impowered and authorized to be Conſervators of the Peace within the ſaid Borough; and ſhall have Power by themſelves, and upon their own View, without any Law-proceedings, to remove all Nuſances and Incroachments out of the ſaid Streets and publick Landing-places, as they ſhall ſee Occaſion: With Power alſo to arreſt, impriſon and puniſh, Rioters and Breakers of the Peace, and to bind them and all other Offenders, and Perſons of evil Fame, to the Peace or good Behaviour, as fully and effectually as any of the Juſtices of the Peace in the ſaid County may or can do; and return or bring the Recognizances by them to be taken to the Court of Quarter-Seſſions for the ſaid County. And we do hereby grant and appoint, That the Sheriff and Clerk of the Courts for the ſaid County of *Bucks* for the Time being, if not Reſidents in the ſaid Borough, ſhall appoint and conſtitute ſufficient Deputies, who ſhall from time to time reſide or conſtantly attend in the ſaid Town of *Briſtol*, to perform the Duties of their reſpective Offices. But before any of the ſaid Burgeſſes, Conſtables or other Officers, ſhall take upon them the Execution of their reſpective Offices, they ſhall take and ſubſcribe the Oaths enjoined to be taken and ſubſcribed by the ſeveral Acts of Parliament in that Caſe made and provided, except the People called *Quakers*, who ſhall be qualified by taking and ſubſcribing the ſeveral Atteſtations or Engagements allowed to the People called *Quakers*, in Stead of the Oath of Abjuration, according to the Form of the Statutes in that Caſe lately made and provided. And ſhall alſo be ſworn or atteſted to the due Execution of their reſpective Offices. And every Chief Burgeſs ſo elected from Year to Year as aforeſaid, ſhall within five Days immediately after his Election preſent himſelf at the City of *Philadelphia* to be qualified, by taking and ſuſcribing the Oaths or Atteſtations aforeſaid before the Governor for the Time being, or before ſuch other Perſon as the Governor ſhall think fit to appoint for that Purpoſe. And the ſaid Chief Burgeſs being ſo qualified himſelf, to enter upon his Office; and the other Burgeſſes, Conſtable or other Officers newly elected for that Year, ſhall and may be qualified by taking and ſubſcribing the

Qualifications.

ſaid

ſaid Oaths or Atteſtations before him the ſaid Chief Burgeſs, or before any two Juſtices of the Peace in the ſaid County of *Bucks*, who are hereby authorized and impowered to adminiſter the ſame reſpectively.

Clerk of the Market.

AND we do hereby further grant and ordain, that the High-conſtable of the ſaid Borough for the Time being ſhall be the Clerk of the Market, who ſhall and may have Aſſize of Bread, Wine, Beer, Wood and other Things, and do, execute and perform all Things belonging to the Clerk of the Market within the ſaid Town and Borough of *Briſtol*.

Perſons elected for Officers refuſing to be fined.

AND we do by the Authority aforeſaid grant unto the ſaid Burgeſſes and their Succeſſors, That if any the Inhabitants of the ſaid Town and Borough ſhall hereafter be elected to the Office of Burgeſs or Conſtable as aforeſaid, and having Notice of his or their Election, ſhall refuſe to undertake and execute that Office to which he is ſo choſen, it ſhall and may be lawful for the Burgeſs or Burgeſſes then acting to impoſe ſuch moderate Fines upon the Refuſers, ſo as the Burgeſſes Fine exceed not *Ten Pounds*, and the Conſtable's *Five Pounds*; to be levied by Diſtreſs and Sale of the Goods of the Party ſo refuſing, by Warrant, under the Hand of one or more of the Burgeſſes, or by other lawful Ways, to the Uſe of the ſaid Town. And in ſuch Caſe it ſhall be lawful for the ſaid Inhabitants forthwith to chooſe others to ſupply the Defects of ſuch Refuſers. And that it ſhall and may be lawful for the ſaid Burgeſſes and Conſtable for the Time being to ſummon and aſſemble Town-meetings from time to time, as often as they ſhall find Occaſion: At which Meeting they may make ſuch Ordinances and Rules (not repugnant to, or inconſiſtent with the Laws of *Great-Britain* and this Province) as to the greateſt Part of the Town-meeting ſhall ſeem neceſſary and convenient for the good Government of the ſaid Town. And the ſame Rules and Ordinances to put in Execution; and the ſame to revoke, alter and make anew as Occaſion ſhall require. And alſo impoſe ſuch Mulcts and Amerciaments upon Breakers of the ſaid Ordinances as to the Makers thereof ſhall be thought reaſonable; to be levied as is above directed in Caſe of Fines, to the Uſe of the ſaid Town, without rendering any Account thereof to us, *&c.* or to the ſaid Proprietary, his Heirs or Aſſigns, With Power alſo to the ſaid Meetings to mitigate or releaſe the ſaid Fines and Mulcts upon the Submiſſion of the Parties.

Power to make Ordinances.

Fairs and Markets eſtabliſhed.

AND we do further grant to the ſaid Burgeſſes and Inhabitants of the aforeſaid Town and Borough of *Briſtol*, That they and their Succeſſors ſhall and may, for ever hereafter, hold and keep within the ſaid Town in every Week of the Year one Market on the fifth Day of the Week called *Thurſday*: And alſo two Fairs therein every Year; the firſt of them to begin the eighth Day of *May*, and to continue that Day and one Day after; and the other of the ſaid Fairs to begin the twenty-ninth Day of *October*, and to continue till the thirty-firſt Day of the ſame Month, in ſuch Place and Places in the ſaid Town as the Burgeſſes form time to time ſhall order and appoint.

General Grant of Borough-Franchiſes.

AND further we have, and by theſe Preſents do, for us and our Succeſſors, give, grant, ratify and confirm, unto the ſaid Burgeſſes, Conſtable, and Inhabitants of the ſaid Town of *Briſtol*, and to their Succeſſors, from henceforth, all lawful Privileges, Immunities, Franchiſes, Powers and Juriſdictions, herein before granted, or that are herein or hereby intended to be given or granted unto the ſaid Burgeſſes, Conſtable, and Inhabitants of the Town of *Briſtol* aforeſaid, as if the ſaid Powers, Authorities, Liberties, Immunities, Privileges and Franchiſes were herein or hereby more fully expreſſed, according to the true Intent and Meaning of theſe Preſents: And that no Officer or Officers of us, or any of our Succeſſors, or any other Perſon, ſhall moleſt or diſturb the ſaid Burgeſſes, High-conſtable, and Inhabitants of the ſaid Town of *Briſtol* in the quiet Enjoyment of any of the Privileges granted or intended to be granted as aforeſaid: TO HAVE AND TO HOLD all and ſingular the Privileges, Advantages, Liberties, Immunities, Franchiſes, and all other the Premiſes herein and hereby given, or herein or hereby that are meant, intended or mentioned to be given or granted unto them the ſaid *Joſeph Bond*, Chief Burgeſs, *John Hall*, ſecond Burgeſs, and *Thomas Clifford*, High-conſtable, and their Heirs, To and for the ſole and only proper Uſe, Benefit and Behoof of the ſaid Burgeſſes, High-conſtable, and Inhabitants of the ſaid Town of *Briſtol*, and their Succeſſors for ever.

IN TESTIMONY whereof, we have cauſed theſe our Letters to be made Patents, and the Great Seal of the ſaid Province to be thereunto affixed. Witneſs *WILLIAM KEITH*, Eſq; with our Royal Approbation Governor of the ſaid Povince of *Pennſylvania*, the Counties of *New-caſtle*, *Kent* and *Suſſex*, on *Delaware*, this fourteenth Day of *November*, in the Seventh Year of our Reign, *Annoque Domini* One Thouſand Seven Hundred and Twenty.

WILLIAM KEITH.

Recorded Pat. Book, A. Vol. 5. p. 407.

IX.

Preamble. The CHARTER of the Borough of Lancaſter.

GEORGE the Second, by the Grace of GOD, of *Great-Britain*, *France* and *Ireland* King, Defender of the Faith, *&c.* To all to whom theſe Preſents ſhall come, Greeting. WHEREAS our loving

ing Subject, *JAMES HAMILTON* of the City of *Philadelphia*, in the Province of *Pennſylvania*, Eſq; Owner of a Tract of Land whereon the Town of *Lancaſter*, in the ſame Province, is erected, HATH, on the Behalf of the Inhabitants of the ſaid Town, repreſented unto our truſty and well-beloved *THOMAS PENN*, Eſq; one of the Proprietors of the ſaid Province, and *George Thomas*, Eſq; with our Royal Approbation Lieutenant-Governor thereof, under *JOHN PENN*, the ſaid *THOMAS PENN*, and *RICHARD PENN*, Eſquires, true and abſolute Proprietors of the ſaid Province, and the Counties of *New-caſtle*, *Kent* and *Suſſex*, upon *Delaware*, the great Improvements and Buildings made, and continuing to be made in the ſaid Town by the great Increaſe of the Inhabitants thereof, and hath humbly beſought them for our Letters Patent, under the Great Seal of the ſaid Province, to erect the ſaid Town of *Lancaſter* into a Borough, according to certain Limits and Bounds herein after-deſcribed, and to incorporate the Freeholders and Inhabitants of the ſame with perpetual Succeſſion, and to grant them ſuch Immunities and Privileges as might be thought neceſſary for the well-ordering and governing thereof.

THEREFORE KNOW YE, That we favouring the Application of the ſaid *JAMES HAMILTON*, on Behalf of the ſaid Freeholders and Inhabitants, and willing to promote Trade, Induſtry, Rule and good Order amongſt all our Subjects, of our ſpecial Grace, certain Knowledge and mere Motion, have erected, and by theſe Preſents do erect the ſaid Town of *Lancaſter* into a Borough for ever hereafter, to be called by the Name of *LANCASTER*; which ſaid Borough ſhall extend, be limited and bounded in the Manner it is now laid out, purſuant to the Plan thereof hereunto annexed. The Town of Lancaſter erected into a Borough.

AND we do further grant and ordain, That the Streets of the ſaid Borough ſhall for ever continue as they are now laid out and regulated.

AND we do nominate and appoint *Thomas Cookſon* and *Sebaſtian Grooffe* to be the preſent Burgeſſes; and the ſaid *Thomas Cookſoon* ſhall be called the Chief Burgeſs within the ſaid Borough, and *Michael Byerly*, *Matthias Young*, *John Dehoſſe*, *John Folkes*, *Abraham Johnſon*, and *Peter Worrall*, Aſſiſtants for adviſing, aiding and aſſiſting the ſaid Burgeſſes in the Execution of the Powers and Authorities herein given them; and *Alexander Giblony* to be High-conſtable; and *George Sanderſon* to be Town-clerk: To continue Burgeſſes, Aſſiſtants, High-conſtable and Town-clerk until the fifteenth Day of *September* which will be in the Year of our Lord One Thouſand Seven Hundred and Forty-four, and from thence until others ſhall be duly elected or appointed in their Places as is herein after directed. Magiſtrates nominated.

AND we do by theſe Preſents, for us, our Heirs and Succeſſors, further give, grant and declare, That the ſaid Burgeſſes, Freeholders and Inhabitants within the Borough aforeſaid, and their Succeſſors for ever hereafter, ſhall be one Body corporate and politick in Deed and in Name; and them by the Name of the Burgeſſes and Inhabitants of the Borough of *Lancaſter*, in the County of *Lancaſter*, one Body politick and corporate in Deed and in Name, We do for us, our Heirs and Succeſſors, fully create, conſtitute and confirm by theſe Preſents; and by the ſame Name of the Burgeſſes and Inhabitants of the Borough of *Lancaſter*, that they may have perpetual Succeſſion; and that they and their Succeſſors, by the Name of the Burgeſſes and Inhabitants of the Borough of *Lancaſter* be, and at all Times for ever hereafter ſhall be, Perſons able and capable in Law, to have, get, receive and poſſeſs Lands, Tenements, Rents, Liberties, Juriſdictions, Franchizes and Hereditaments, to them and their Succeſſors in Fee-ſimple, or for Term of Life, Lives, Years or otherwiſe; and alſo Goods, Chattels, and other Things of what Nature or Kind ſoever; and alſo give, grant, lett, *ſell* and aſſign the ſame Lands, Tenements, Hereditaments, Goods and Chattles, and to do and execute all other Things about the ſame by the Name aforeſaid: And alſo, that they be, and ſhall be for ever hereafter, Perſons able and capable in Law, to ſue and be ſued, plead and be impleaded, anſwer and be anſwered unto, defend and be defended, in all or any of our Courts or other Places, and before any Judges, Juſtices, and other Perſons whatſoever within the Province aforeſaid, in all Manner of Actions, Suits, Complaints, Pleas, Cauſes and Matters whatſoever. And that it ſhall and may be lawful to and for the Burgeſſes and Inhabitants of *Lancaſter* aforeſaid, and their Succeſſors for ever hereafter, to have and uſe one common Seal for the Sealing of all Buſineſs whatſoever touching the ſaid Corporation, and the ſame from time to time at their Will to change and alter. Incorporating Clauſe. (ſett)

AND we do for us, our Heirs and Succeſſors, further by theſe Preſents, grant full Power and Authority for the Burgeſſes, Conſtable, Aſſiſtants and Freeholders, together with ſuch Inhabitants, Houſe-keepers within the ſaid Borough, as ſhall have reſided therein at leaſt for the Space of one whole Year next preceeding any ſuch Election as is herein after directed, and hired a Houſe and Ground within the ſaid Borough of the yearly Value of *Five Pounds* or upwards, on the fifteenth Day of *September* which will be in the Year of our Lord One Thouſand Seven Hundred and Forty-four, and on that Day yearly for ever thereafter, unleſs it happen to fall on *Sunday*, and then on the next Day following, publickly to meet in ſome convenient Place within the ſaid Borough, to be appointed by the chief Conſtable, and then and there to nominate, elect and chooſe by the Ballot, two able Men of the Inhabitants of the ſaid Borough to be Burgeſſes, one to be High-conſtable, one to be Town-clerk, and ſix to be Aſſiſtants within the ſame, for aſſiſting the Burgeſſes in the Managing the Affair of the ſaid Borough, and of keeping of Peace and Good-order therein: Which Election ſhall be taken from time to time by the High-conſtable of the Year preceeding; and the Names of the Perſons ſo elected ſhall be certified under his Seal to the Governor for the time being within ten Days next after ſuch Election; and the Burgeſs who ſhall have the Majority of Votes ſhall be called the chief Burgeſs of the ſaid Borough. But in caſe it ſhall ſo happen that the ſaid Freeholders and Inhabitants, Houſe-keepers aforeſaid, ſhall neglect or refuſe to elect or chuſe Burgeſſes and other the Officers in Manner aforeſaid, that then it ſhall and may be lawful for the The Election of Magiſtrates and other Officers regulated.

the Governor for the time being to nominate, appoint and commiſſionate Burgeſſes, Conſtable, Town-clerk and Aſſiſtants for that Year; to hold and continue in their reſpective Offices until the next Time of annual Election appointed as aforeſaid, and ſo as often as Occaſion ſhall require.

Power of the Magiſtrates.

AND we further will and ordain, That the ſaid Burgeſſes for the Time being ſhall be, and are hereby impowered and authorized to be Conſervators of the Peace within the ſaid Borough; and ſhall have Power by themſelves and upon their own View, or in other lawful Manner, to remove all Nuſances and Incroachments on the ſaid Streets and High-ways within the Borough aforeſaid as they ſhall ſee Occaſion: With Power alſo to arreſt, impriſon and puniſh Rioters and other Breakers of the Peace or good Behaviour, award Proceſs, bind to the Peace or Behaviour, commit to Priſon, and to make Kalendars of the Priſoners by them committed; and the ſame to return, together with ſuch Recognizances and Examinations as ſhall be by them taken, to the next Court of Quarter-ſeſſions of the County of *Lancaſter*, there to be proceeded on as Occaſion may or ſhall require; and to do all and ſingular other Matters and Things within the ſaid Borough as fully and effectually, to all Intents and Purpoſes, as Juſtices of the Peace in their reſpective Counties can or may lawfully do.

Their Qualifications.

BUT before any of the ſaid Burgeſſes, Conſtable, Town-clerk, or other Officers ſhall take upon them the Execution of their reſpective Offices, they ſhall take and ſubſcribe the Oaths or Affirmations of Allegiance, and ſuch other Oaths and Affirmations as are by the Laws of our Government in ſuch Caſes provided, together with the Oaths or Affirmations for the due Execution of their reſpective Offices. And every chief Burgeſs ſo elected or appointed from Year to Year as aforeſaid, ſhall within ten Days immediately after his Election, preſent himſelf to be qualified, by taking the Oaths or Affirmations aforeſaid, before the Governor for the Time being, or before ſuch other Perſons as the Governor ſhall think fit to appoint for that Purpoſe: And on Failure of his ſo preſenting himſelf, unleſs diſabled by Sickneſs or other reaſonable Cauſe, ſuch as ſhall be allowed of by the Governor for the time being, another chief Burgeſs ſhall from time to time, and as often as Occaſion ſhall require, be appoined in the Stead of ſuch Perſon ſo failing to appear and qualify himſelf as before is directed: Which Burgeſs ſo to be appointed by the Governor for the time being, ſhall and may enjoy his Office until the Day of Election next enſuing ſuch his Appointment. And the chief Burgeſs having qualified himſelf in Manner aforeſaid, ſhall and may enter upon his Office; and the other Burgeſſes, Conſtable, Town-clerk, or other Officers, ſhall and may qualify themſelves for their reſpective Offices by taking and ſubſcribing the Oaths or Affirmations aforeſaid before the ſaid chief Burgeſs, or before any one of the Juſtices of the Peace of the ſaid County of *Lancaſter* for the Time being, who are hereby authorized and impowered to adminiſter the ſame.

Market and Fairs.

AND we do further grant for us, our Heirs and Succeſſors, to the Burgeſſes, Freeholders and Inhabitants, Houſe-keepers aforeſaid, and their Succeſſors, to have, hold and keep within the ſaid Borough two Markets in each Week, *that is to ſay*, One Market on *Wedneſday*, and one Market on *Saturday*, in every Week of the Year for ever in the Lot of Ground already agreed upon for that Purpoſe and granted for that Uſe by *Andrew Hamilton*, Eſq; late of *Philadelphia*, deceaſed, as by the Deeds thereof to *John Wright*, and other Truſtees for the ſaid County of *Lancaſter*, may appear. And alſo two Fairs there in every Year, the firſt to begin on the firſt Day of *June* next enſuing, and to continue that Day and the next Day following: and the other of the ſaid Fairs to begin on the twenty-fifth Day of *October* following, and to continue that Day and the next Day after. And when either of thoſe Days ſhall happen to fall on *Sunday*, then the ſaid Fairs to be kept the next Day or two Days following together, with the free Liberties, Cuſtoms, Profits and Emoluments to the ſaid Markets and Fairs belonging, and in anywiſe appertaining, for ever.

Clerk of the Market.

AND we do hereby further grant and ordain, That there ſhall be a Clerk of the Market for the ſaid Borough, who ſhall have the Aſſize of Bread, Wine, Beer, Wood and all other Proviſions brought for the Uſe of the ſaid Inhabitants, who ſhall and may perform all Things belonging to the Office of a Clerk of the Market within the ſaid Borough: And that *John Morris* ſhall be the preſent Clerk of the Market, who ſhall be removeable for any Malfeazance in his Office by the Burgeſſes and Aſſiſtants aforeſaid, and another from time to time appointed and removed as they ſhall find it neceſſary.

Power to impoſe fines

AND we do further grant unto the ſaid Burgeſſes, High-conſtable and Aſſiſtants, and their Succeſſors, as much as in us is, That if any of the Inhabitants of the ſaid Borough ſhall be hereafter elected to the Office of Burgeſſes, High-conſtable or Aſſiſtants, and having Notice of his or their Election, ſhall refuſe to undertake and execute that Office to which he is choſen, it ſhall and may be lawful for the Burgeſſes, High-conſtable and Aſſiſtants then acting to impoſe ſuch moderate Fines on the Perſon or Perſons ſo refuſing as to them ſhall ſeem meet; ſo always that ſuch Fine impoſed on a Burgeſs elect do not exceed *Ten Pounds*, and the Fine on the High-conſtable or an Aſſiſtant elect do not exceed *Five Pounds*, each to be levied by Diſtreſs and Sale of the Goods of the Party refuſing, by Warrant under the Hand and Seal of one of the ſaid Burgeſſes, or by any other lawful Way or Means whatſoever, for the Uſe of the ſaid Corporation. And in any ſuch Caſe, it ſhall and may be lawful for the ſaid Inhabitants to proceed to the Choice of ſome other fit Perſon or Perſons in the Stead of ſuch who ſhall ſo refuſe.

AND it ſhall and may be lawful for the ſaid Burgeſſes High-conſtable and Aſſiſtants for the Time being to aſſemble Town-meetings as often as they ſhall find Occaſion: At which Meetings they may make

ſuch

ſuch Ordinances and Rules, not repugnant to, or inconſiſtent with the Laws of the ſaid Province, as to the greateſt Part of the Inhabitants ſhall ſeem neceſſary and convenient for the good Government of the ſaid Borough. And the ſame Rules and Orders to put in Execution; and the ſame to revoke, and alter and make anew as Occaſion ſhall require. And alſo to impoſe ſuch Mulcts and Amerciaments upon Breakers of the ſaid Ordinances as to the Makers thereof ſhall be thought reaſonable; to be levied as above is directed in Caſe of Fines, for the Uſe of the ſaid Borough, without rendering any Account thereof to us, our Succeſſors, or to the Proprietaries aforeſaid, their Heirs or Succeſſors. Alſo at the ſaid Meetings to mitigate or releaſe the ſaid Fines and Mulcts, upon the Submiſſion of the Parties. Power to make Rules and Ordinances,

AND we do further will and grant, That where any Doubts ſhall happen to ariſe touching this preſent Charter, that the ſame ſhall in all Courts of Law and Equity be conſtrued and taken moſt favourably and beneficially for the ſaid Corporation.

IN TESTIMONY whereof, we have cauſed theſe our Letters to be made Patent. Witneſs *GEORGE THOMAS*, Eſq; with our Royal Approbation Lieutenant Governor of the Province aforeſaid under *JOHN PENN*, *THOMAS PENN* and *RICHARD PENN*, Eſquires, true and abſolute Proprietaries of the Province aforeſaid, and of the Counties *New-caſtle*, *Kent* and *Suſſex*, on *Delaware*, the firſt Day of *May*, in the Fifteenth Year of our Reign, *Anno Domini*, 1742.

GEORGE THOMAS.

Lancaſter Borough, *ſſ.*

THIS is to certify, That the above is a true Copy of the Charter granted to the Inhabitants of the Town of *Lancaſter* in the County of *Lancaſter*, and Province of *Pennſylvania*. IN TESTIMONY whereof, I have herero ſet my Hand, and cauſed the Seal of the Borough afore-(*L. S.*) ſaid to be hereto affixed the firſt Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Sixty.

JOHN HOPSON, Chief Burgeſs.

THE

ACTS of ASSEMBLY

of the

Province of PENNSYLVANIA.

Vol. I. Sectio. I.

containing

The *Titles* of all the *LAWS* of the Province of *Pennſylvania*, ſince its firſt Eſtabliſhment down to the Year 1700.

XXXIV. *Caroli* II. *A. D.* 1682.

The Laws agreed upon in England, &c. ſee Appendix. Page 1.

An Act of Union: For annexing and uniting of the Counties of *New Caſtle*, *Jones's* and *Whorekills* (alias *New-Dale*) to the Province of *Pennſylvania*; and of Naturalization of all Foreigners in the ſaid Province and Counties annexed. ſee Appendix page 3.

The great Law: Or the Body of Laws of the Province of *Pennſylvania* and Territories thereunto belonging, paſſed at an Aſſembly held at *Cheſter*, alias *Upland*, the ſeventh Day of the *Tenth Month* called *December*, 1682.

WHEREAS the Glory of God Almighty and the good of Mankind, is the Reaſon and End of Government, and therefore Government itſelf is a venerable Ordinance of God, and foraſmuch as it is principally deſired and intended by the Proprietary and Governor and Freemen of the Province of *Penn-* Preamble. *ſylvania*, and Territories thereunto belonging, to make and eſtabliſh ſuch Laws as ſhall beſt preſerve true Chriſtian and Civil Liberty, in Oppoſition to all unchriſtian, licentious and unjuſt Practices, whereby God may have his due, Cæſar his due, and the People their due, from Tyranny and Oppreſſion on the one Side, and Inſolency and Licentiouſneſs on the other; ſo that the beſt and firmeſt Foundation may be laid for the preſent and future Happineſs of both the Governor and the People of this Province and Territories aforeſaid, and their Poſterity. *Be it enacted* by *William Penn*, Proprietor and Governor, by and with the Advice and Conſent of the Deputies of the Freemen of this Province and the Counties aforeſaid, in General Aſſembly met, and by the Authority of the ſame, That theſe following Chapters and Paragraphs be the Laws of *Pennſylvania* and Territories thereof.

§ 1. Concerning Liberty of Conſcience.
2. Concerning Qualifications of Officers &c.
3. Againſt Swearing by God, Chriſt or Jeſus.
4. Againſt Swearing by any other Thing or Name.
5. Againſt ſpeaking profanely of God, Chriſt, Spirit or Scripture.
6. Againſt Curſing.
7. Againſt defiling the Marriage-Bed.
8. Againſt Inceſt.
9. Againſt Sodomy and Beſtiality.
10. Againſt Rape or Raviſhment.
11. Againſt Bigamy.
12. Againſt Drunkenneſs.
13. Againſt ſuffering Drunkenneſs.
14. Againſt Healths Drinking.
15. Againſt ſelling or Exchanging of Rum Brandy, or other ſtrong Liquors to Indians.
16. Againſt wilfull firing of Houſes, &c.
17. Againſt breaking into or taking any Thing out of Houſes.
18. Lands and Goods of Thieves and Felons &c. liable, &c.
19. Againſt forcible Entry.
20. Againſt unlawful Aſſemblies and Riots.
21. Againſt aſſaulting and Menacing of Parents
22. Againſt aſſaulting or Menacing of Magiſtrates.
23. Againſt aſſaulting or Menacing of Maſters &c.
24. Againſt Aſſault and Battery.
25. Againſt Duells.
26. Againſt riotous Sports and Practices, as Plays, &c.
27. Againſt playing at Cards, Dice, Lotteries.
28. Againſt Sedition.
29. Againſt ſpeaking ſlightingly or abuſing Magiſtrates or Officers.
§ 30. Againſt Reporters, Diffamers, and Spreaders of falſe News.
31. Againſt clamorous Perſons, Scoldors and Railers.
32. Proviſion for the Poor.
33. Prices of Beer and Ale.
34. Meaſures and Weights.
35. Names of Days and Months.
46. Witneſſes lying.
37. Pleadings, Proceſſes and Records to be in Engliſh.
38. Trials in civil and criminal Caſes.
39. Fees and Salaries, Bribery and Extorſion.
40. Fines to be moderate, &c.
41. Numerous Suits avoidable.
42. Arreſt of a Perſon departing the Province how?
43. Promiſes, Bargains, and Agreements.
44. Charters, Gifts, Grants, Conveyances, Bills, Bonds, and Specialties, Deeds, &c. how ſoon to be recorded?
45. What Wills ſhall convey Lands as well as Chattels. ſee Appendix p. 4.
46. Wills of *non compos mentis*, void.
47. Regiſtry for Wills &c.
48. Regiſtry for Servants &c.
49. Factors and their Imployers.
50. Againſt Defacers, Corrupters and Imbezzelers of Charters, Conveyances and Records, &c.
51. How Lands and Goods ſhall pay Debts. ſee App. p. 4.
52. What Priſoners bailable?
53. Goals and Goalers.
54. Priſons ſhall be Workhouſes.
55. Wrongful Impriſonment.

§ 56. Where

§ 56. Where the Penalty is either a Sum of Money or Imprisonment, the Magistrate shall inflict which he will.
57. Freeman, who?
58. Elections.
59. No Money or Goods by way of Tax, Custom or Contribution to be raised or paid but by Law.
60. Laws shall be printed and taught in Schools.
61. All other Things not provided for herein referred to the Governor and Freemen from time to time.
62. The Act of Settlement. see Appendix. p. 4.

XXXV. CAROLI II. A. D. 1683.

63. That all Laws made at *Chester*, in the Tenth Month last, shall stand in Force, how long?
64. The Law of a Freeman.
65. Peacemakers and Abitrators &c.
66. Manner of Appearing in Courts and of entring of Actions &c.
67. Rules in holding Courts.
68. Presentments.
69. Tryals in Causes Capital and Criminal.
70. All Actions of Debt, Account or Slander and of Trespass, first tryable by the County Court, then by Appeal, &c.
71. Damage.
72. Derogating from the Sentence of any Court.
73. Trials between Indians and other Inhabitants &c.
74. Persons of Estates, refusing to pay their Debts, how to be kept in Prison, and how long Debtors or fined Persons are to be imprisoned?
75 Against Barratry.
76. Debts under forty Shillings how recoverable?
77. Orphans Court.
78. Forms of Grants of Estates of Inheritance for Life, Lives or Years. see App. p. 20.
79. Form of Possession in transferring of Titles, &c. see Appendix. p. 6.
80. Seven Years quiet Possession gives an unquestionable Title.
81, County Seal.
82. Counterfeiters of Hands or Seals, County-Privy-or Broad Seal.
83. Against a publick Officer or any other being drunk, cursing, swearing, or speaking prophanely.
84. Pype Staves.
85. No Cow Calf nor Ewe Lamb to be killed for three Years.
86. Reward of Wolfkillers.
87, Cattle not marked and registred, shall be accounted Strays.
88. Bakers and Bread.
89. Bridges, Highways, and Overseers thereof.
90. Against taking away of Boats, Vessels or Canoes, from any Landing.
91, Height of Fences.
92. Against felling of Timber-Trees upon another Mans Land.
93. Against firing of Woods &c. before the 1st. of March.
94. Against making of Wears from Side to Side of Creeks.
95, Ferries and their Prices.
96. Against stealing of Hogs or other Cattle.
97 Custom upon Rum, Brandy, Wine, Cyder
98. Custom upon Hides, Beaver-Skins and Peltry.
99. Ordinaries and their Rates,
§ 100. Cartway to a Landing in each County.
101. A Prison in each County.
102. Measures to be according to the English Standard, as also Weights.
103. Cask to be gauged, &c.
104. Hemp and Flax current Pay.
105. No Horses under thirteen Hands and an half high, to run at large after two Years of Age.
106. Provisions imported not to be sold till here five Days.
107. Corn to be clean dressed.
108. Intentions of Departers the Province, to be published thirty Days before.
109. How the Estate of any Person, shall be disposed of at his Death. see Appendix. p. 6.
110. How the Estate of an Intestate shall be disposed of. see Appendix, ibid.
111. Executors and Guardians.
112. Children to be taught to read and write by twelve Years of Age.
113. Letters to and from the Governor, how to be dispatched.
114. Against buying of Land of the Natives without the Governors Leave.
115. Residents and landed Persons, shall promise Allegiance to the King, and Fidelity and Obedience to the Proprietary and Governor and to the Laws.
116. Against wilfull Neglecters to serve in Provincial Council, or General Assembly.
117. Against Manslaughter.
118. Against premeditate killing, or being Accessary to the Death of any Person.
119. Against Threatners to wound, kill, or destroy any Person, or to harm him in his Estate.
120. Against single Fornication.
121. Against Railing and Scolding.
122. At what Rates English Money, *New-England Money*, and *Spanish Money* shall pass.
123. Fees, how payable.
124. At what Rates Guineas, Carolinas, Jacobusses, Spanish Pistoles and Ducats shall pass.
125. Bills assigned, when and how valid to the Assignee.
126. Bills of Exchange returning from Europe protested.
127. How County Charges shall be defrayed.
128. Allowances to Council and Assembly Men, and Speaker.
129. Fees payable to the respective Officers.
130. Ships shall enter within forty-eight Hours and give Bond.
131. Shipwreck.
132. Mariners not to be trusted.
133. Marriage.
134. Against unknown Persons, travelling without a Pass.
135. Against assigning any Servant without Consent of two Justices.
136. No Servant, White nor Black attacheable for Debt.
137. No Servant to be harboured above 24 Hours.
138. Against Dealing or Trucking with Servants.
139. How long Servants not intended shall serve.
140. Act of Indemnity.
141. What Laws are fundamental.
142. Laws when to be published, when to be in Force, and how long?

§ 143. Members.

§ 143. Members of Provincial Council, General Assembly and Courts of Justice, how to be sued.
144. Wheat, Rye, Indian-Corn, Barley, Oats, Pork, Beef, Tobacco are currant Pay at Market-Price.
145. Writings, how to be made, viz: a Bill, a single and Obligatory, Warrant of Arrest, Summons, Replevin.
146. The Sheriff to summon Juries ten Days before Court.
147. No Member of Court shall sit upon the Bench while his own Cause is upon Trial.
148. Horses brought hither for Sale, to be kept within Fence till sold.
149. Against exporting Horses before they be viewed, their Marks recorded and the Exporters Credit vouched,
150. Fees, when to be paid.
151. Accompts to be made up once a Year.
152. Buoyes in the Bay and River of Delaware.
153. Servants absenting, shall serve five Days for each Days Absence,

XXXVI. CAROLI II. *A. D.* 1684.

§ 154. Continuation of the Laws in Force.
155. Laws repealed viz. Sect. 34. 40. 68. 99. 105. 133. and 143.
156. Sessions to be held monthly and quarterly, and that they be Courts of Equity as well as Law.
157. One Provincial Counsellor at least, shall out of each County attend the Governor.
158. Five Provincial Judges, &c.
159. Number of Stripes.
160. All Hues and Cryes, Warrants against Treason, Felonies, Running aways, or Gros-Misdemeanours from West Jersey, shall be of Force here.
161. The Governor and Council to treat with the Indians about their immoderate Use of Rum.
162. Prices of Malt and Molasses Beer.
163. Registry for Freemen and Servants.
164. and 165. Against stealing of living, dead or meerly personal Goods.
166. Marriages.
167. Arrest against whom, in what Cases, and how granteable? Summons may be taken out and served against the Defendant in any County tho' not dwelling there, and he shall be obliged to appear at that County Court, and if Judgment passeth against him, how in that case Execution shall issue?
168. No Goods taken in Execution to be sold before appraised by the three County Appraisers, nor before Expiration of seven Days thereafter.
169. Ordinaries and their Rates.
170. How and when Deer Skins shall be exported.
171. *An* Act for the Preservation of the Person of the Proprietary and Governor.
172. How the Estate of an Intestate shall be disposed of. See Appendix page 6
173. Against selling of *Rum Brandy* or other Spirits mixed with Water or other Liquors.
174. When the Laws shall begin to be in Force.

I. JACOBI II. *A. D.* 1685.

§ 175. Confirmation of all former Laws.
176. Justices to attend the Courts.
177. Jurors absenting fineable.
178. Against removing of Land-Marks.
179. Cattle of a Year old unmarked, Strays.
§ 180. Apprehender of a Run-away Servant how rewardable.
181. How and when Debts to be paid by Contract at the Debtors Plantation in fresh Pork and Tobacco shall be paid.
182. All Actions for Titles of Land, Debt, Account or Slander, Civil and Criminal where first triable? How an Appeal shall be granted to three Provincial Judges, and what is cognizable by them.?
183. Against selling of tanned Leather without the Officers Mark.
184. Partition Fences.
185. When the Laws shall begin to be in Force.

IV. JACOBI II. *A. D.* 1688.

§
186. Confirmation of former Laws.
187. Against taking of more than eight Percent for Use of Money &c.
188. In what Cases the Orphans Court with Consent of the Governor and Council may sell Intestates Lands. See Appendix p 6.
189. Explanation of the 51st. Law, how Lands shall pay Debts. ibid.
190. Recording of Gifts, Grants, &c. ibid. p.7.

II. GUILIELMI et MARIÆ. A. D. 1690.

§ 191. Confirmation of former Laws.
192. Laws repealed.
193. Laws varied.
194. Witnesses absenting when summoned fineable
195. Half of the Fine in the 15th. Law to be the Discoverers.
196. Ferries and their Rates.
197. All Actions for Titles of Land, Debt, Account, or Slander, personal, civil, or criminal first triable in the respective County Courts &c, in what Cases an Appeal.
198. That the Foot-Dyke at *New-Castle* shall be repaired and maintained by the said Town.
199. Rangers and Strays.
200. Debts under *Forty Shillings*, how recoverable.
101. Registry of Marriage, Birth or Burial in the Meetings Books, of any religious Society, allowable.
202. Against letting Hogs or Goats go at large in the Streets or Commons of *Philadelphia* or *New Castle*.
203. The Surveyors Fees.

V. GUILIELMI et MARIÆ. A. D. 1693.

The Petition of Right, see Appendix, p. 7.

§ 1 *An* Act for granting to King *William* and Queen *Mary*, the Rate of one Penny per Pound, upon the clear Value of all the real and personal Estates, and *Six Shillings* per Head upon such as are not otherwise rated by this Act, to be employed, by the Governor of this Province of *Pennsylvania*, and Territories thereof, for the Time being, towards the Support of this Government.
2. The Law for the erecting a Post-Office.
3. The Law about Appeals to the Provincial Courts.
4. The Law about Forms of Writs.
5. The Law against Persons judging in their own Cause.
6. The Law against abusing Magistrates.
7. The Law against immoderate Fines.

§ 8 The

§ 8. The Law about bailing Priſoners.
9. The Law about the Manner of giving Evidence and about ſuch as lye in Converſations.
10. The Law about Appraiſers.
11. The Law about Marriages.
12. The Law about Country-Produce to paſs for Pay.
13. The Law about the Aſſize of Bread.
14. The Laws about Teſtates and Inteſtates Eſtates, ſee Appendix p. 9.
15. The Law about Killing of Wolfs.
16. The Law about Building Bridges.
17. The Law about County Levies.
18. The Law about Wears.
19. The Law againſt Hogs going at large in *Philadelphia*, or *New-Caſtle Towns*.
20. The Law about Officers Fees.
21. The Law about Ferries.
22. The Law about the Cuſtom of the Country to Servants.
23. The Law about Recording of Deeds. ſ. App. p. 9.
24. The Law againſt cutting Timber Trees.
25. The Law about Education of Youth.
26. The Law about Rates of Money.
27. The Law about Factors and their Employers.
28. The Law about Cask and packing of Meat for Tranſportation.
29. The Law about Indian Traders.
30. The Law about Whalers.

VI. GUILIELMI et MARIÆ. A. D. 1694.

§ 1. The Law for regulating Weights and Meaſures.
2. The Law about Tobacco Hogſheads.
3. The Law about Importation of Tobacco by Land from *Maryland*.
4. The Law againſt Uſury.
5. The Law about taking Land in Execution for Debts. &c. ſee Appendix p. 10.
6. The Law about Sale of Inteſtates Lands by the Widow or Adminiſtrator. ibid.

VIII. GUILIELMI III. A. D. 1696.

§ 1. The Frame of the Government of the Province of *Pennſylvania*, and the Territories thereunto belonging.
2. *An* Act for raiſing the Rate of one Penny per Pound, and Six Shillings per Head, upon ſuch as are not otherwiſe rated thereby, to be imployed by the Governor for the time being as is herein after limited and appointed.
3. The Law for raiſing County Levies.
4. The Law for preventing of Hogs &c. running at large in the Town of *Cheſter*.
5. The Law for preventing of Accidents, that may happen by Fire in the Towns of *Philadelphia*, and *New-Caſtle*.

IX. GUILIELMI III. A. D. 1697.

§ 1. The Law for ratifying and confirming the Acts and Proceedings of the Aſſembly in 1696.
2. The Law for Encouragement and Support of the Poſt-Office.
3. The Law for the ſpeedy collecting the Arrears of the Aſſeſſment laid in 1696.
4. The Law about Teſtates and Inteſtates Eſtates. ſee Appendix p. 10.
5. The Law againſt Swine running at large in the County of Bucks.
6. The Law about Married Women, having Children in the Abſence of their Husbands.
7. The Law againſt Swearing.
8. The Law for ſelling the old Court-Houſe of *Cheſter*.

X. *GUILIELMI III.* A. D. 1698.

§ 1. The Law confirming the Laws of this Government.
2. An Act for preventing Frauds and regulating Abuſes in Trade, within the Province of *Pennſylvania*, and Counties annexed.
3. The Law for the Continuation of an Act *intituled* the Law for the ſpeedy collecting the Arrearages of the Aſſeſſment laid in 1696.
4. The Law Supplemental to the Laws againſt Robbing and Stealing.
5. The Law to encourage bringing in of Money, to promote Trade, and make Payments more eaſy within this Province and Territories.
6. The Law for regulating Streets and Watercourſes, in the Cities and Towns of this Government.

XI. *GUILIELMI* III. *A.D.* 1699.

§ 1. The Law concerning Elections of Repreſentatives in Council and Aſſembly.
2. The Law for the Continuation of an Act, *entituled*, The Law for the ſpeedy Collecting the Arrearages of the Aſſeſſment laid in the Year 1696.
3. The Law for raiſing one Penny per Pound and Six Shillings per Head, &c. for the Support of the Government and the Payment of the Debts and defraying the neceſſary Charges thereof.
4. The Law for regulating Bread, Flour, and Tobacco Cask, to a certain Gauge, the better to inforce a Law made in the Year 1693. *intituled*, the Law about Cask and packing of Meat for Tranſportation.
5. The Law againſt Pirates and Privateers.
6. The Law for impowering the Juſtices in each County to lay out and confirm all Roads, except the Kings Highways and publick Roads.
7. The Law for regulating Ordinaries.
8. The Law for appointing an Officer to rectify and ſtamp all Money Weights,
9. The Law to prevent the running of Stone Horſes at large.
10. The Law about Attachments and Summons,

THE

ACTS OF ASSEMBLY

OF

The Province of PENNSYLVANIA.

Vol. I. Sectio II.

Anno XII. GUILIELMI III. Regis.

I. THE LAW *concerning Liberty of Conſcience.*
Recorded A, Vol. 1. p. 1.

II. *An* ACT *againſt Riots, Rioters, riotous Sports, Plays and Games.*
Recorded A, Vol. 1. p. 2.

III. *An* ACT *againſt Adultery, Fornication,* &c.---Recorded A, Vol. 1. p. 3.

IV. *An* ACT *againſt Rape or Raviſhment.*---Recorded A, Vol. 1. p. 4.

V. *An* ACT *againſt Inceſt, Sodomy and Beſtiality.*---Recorded A, Vol. 1. p. 5.

Repealed by the Queen in Council Feb. 7th, 1705.

VI. *An* ACT *againſt Bigamy.*----Recorded A, Vol. 1. p. 5.

VII. *An* ACT *againſt Robbing and Stealing.*---Recorded A, Vol. 1. p. 6.

VIII. *An* ACT *about Boats and Canoes.*

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That if any Perſon or Perſons within this Province or Territories ſhall fairly take up any Man's Boat or Canoe, the ſame being adrift, he ſhall receive as a Reward from the Owner thereof the Sum of *Five Shillings* for a Boat, and *Two Shillings Six-pence* for a Canoe. AND if any Perſon or Perſons ſhall, at any Time after Publication of this Law, take, carry away or ſet adrift a Veſſel, Boat or Canoe, from any Landing within this Province or Territories, without Leave or Conſent firſt had and obtained from the Owner thereof, ſhall pay double the Value of ſuch Veſſel, Boat or Canoe; and the Property of the Veſſel, Boat or Canoe ſo taken away or ſet adrift, as aforeſaid, ſhall ſtill remain in the Maſter or Owner thereof, and the Maſter or Owner of the ſame to have one Half of the ſaid Penalty or Forfeiture.

Reward for taking up a Boat and a Canoe adrift.

Penalty for taking the ſame from a Landing, &c.

Recorded A, Vol. 1. p. 7.

IX. *An* ACT *againſt breaking into Houſes.*--Recorded A, Vol. 1. p. 7.

X. *An* ACT *againſt firing of Houſes,* &c.---Recorded, A, Vol. 1. p. 8.

Repealed by the Queen in Council Feb. 7th, 1705.

XI. *An* ACT *againſt forcible Entry.*

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That whoſoever ſhall violently or forcibly enter into the Houſe or Poſſeſſions of any other Perſon within this Province or Territories, being duly convicted thereof, ſhall be puniſhed as a Breaker of the Peace, and make ſuch Satisfaction to the Party aggrieved as the Circumſtances of the Fact will bear.

Recorded A, Vol. 1. p. 8.

XII. *An* ACT *againſt Menacing, and Aſſault and Battery*---Recorded A, Vol. 1. p. 8.

XIII. *An* ACT *againſt Murder.*---Recorded A, Vol. 1. p. 9.

Repealed by the Queen in Council Feb 7th, 1705.

XIV. *An* ACT *againſt Sedition, ſpreading falſe News, and Defamation.*--Recorded A, Vol. 1. p. 10.

XV. *An* ACT *againſt removing of Land-marks.*

FOR the greater Security and Certainty of the Boundaries, of Land, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That no Perſon in this Province or Counties annexed, ſhall cut, fell, alter or remove any certain bounded Tree, or other allowed Land-mark, to the Wrong of his Neighbour or any other Perſon, under the Penalty of any Sum not leſs than *Ten Pounds.*

Recorded A, Vol. 1. p. 10.

XVI. *An* ACT *againſt Defacers of Charters, &c.*

WHEREAS the Security of Titles and Property in a great Meaſure depends on the Safety and Certainty of Writings and Records, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That whoſoever ſhall forge, deface, corrupt or imbezel any Charters, Gifts, Grants, Bonds, Bills, Wills, Conveyances or Contracts, or ſhall deface or falſify any Inrolment, Regiſtry or Record, within this Province or Territories, ſhall forfeit double the Value of the Damage thereby ſuſtained, one Half thereof ſhall go to the Party wronged; and the Perſon ſo offending ſhall be diſcarded from all Places of Truſt, and publickly diſgraced, as a falſe Perſon, in the Pillory, or otherwiſe, at the Diſcretion of the Court before whom the Cauſe ſhall be tried.

Penalty on forging and defacing Deeds, and on defacing or falſifying Records.

Recorded A, Vol. 1. p. 10.

XVII. *An* ACT *for County Seals, and againſt counterfeiting Hands and Seals.*
Recorded A. Vol. 1. p. 11.

Repealed by the Queen in Council Feb. 7th. 1705.

XVIII. *An* ACT *for regulating the Intereſt of Money.*---Altered and ſupplied by IX. Geo. I.

Recorded A, Vol. 1. p. 11.

Repealed by the Queen

XIX. *An* ACT *of Privileges to a Freeman.*---Recorded A, Vol. 1. p. 12.

XX. *An* ACT *againſt buying Land of the Natives.*

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That if any Perſon preſume to buy any Land of the Natives, within the Limits of this Province and Territories, without Leave from the Proprietary thereof, every ſuch Bargain or Purchaſe ſhall be void and of none Effect.

Recorded A, Vol. 1. p. 12.

XXI. *An* ACT *directing how petty Offences ſhall be puniſhed.*

WHEREAS many Times, Perſons for Miſdemeanors, the Fine of which is but ſmall, being preſented by the Grand-Jury (which hath been the uſual Courſe of Trials in ſuch Caſes heretofore) have been put to great Charges by Reaſon of the Fees that have accrued thereupon: For Prevention whereof, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That where the Fine doth not exceed *Twenty Shillings*, one or more Juſtices of the Peace, upon due Proof of the Offence, or being committed in his or their Preſence, may determine and give Judgment in every ſuch Caſe, and iſſue Warrants to the Conſtable to levy the ſaid Fine upon the Offender's Goods and Chattles by Diſtreſs and Sale thereof; or may commit the Offender to Priſon, as the Law ſhall direct or require, except in ſuch Caſes where the Law leaves the Fine to the Diſcretion of the County Court.

Offences finable 20 *s.* and leſs One Juſtice may determine.

Recorded A, Vol. 1. p. 12.

Repealed by the Queen in Council Feb. 7th. 1705.

XXII. *An* ACT *for the Names of Days and Months.*---Recorded A, Vol. 1. p. 13.

XXIII. *An* ACT *for the better Proviſion for the Poor*, &c. Obſolete.

Recorded A, Vol. 1. p. 18.

Repealed by the Queen in Council. Feb. 7th. 1705.

XXIV. *An* ACT *about the Recording of Deeds.*---Recorded A, Vol. 1. p. 13.

XXV. *An* ACT *for preventing clandeſtine Marriages.*-----Supplied by an Act of Aſſembly in the Year next following.

XXVI. *An* ACT *about binding to the Peace.*

BE IT ENACTED, by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories thereunto belonging in General Aſſembly met, and by the Authority of the ſame; That whoſoever ſhall threaten the Perſon of another, to wound, kill or deſtroy him, or do him any harm in Perſon or Eſtate, and the Perſon ſo threatned ſhall appear before a Juſtice of the Peace, and atteſt, That he believes that by ſuch Threatning he is in Danger to be hurt in Body or Eſtate; ſuch Perſon ſo threatning as aforeſaid, ſhall be bound over, with one ſufficient Surety, to appear at the next Seſſions or County Court, to be holden for the County where ſuch Offence was committed, to be proceeded againſt according to Law; and in the mean time, to be of his good Behaviour, and keep the Peace towards all the King's Subjects.

One Juſtice may bind to the Peace,

Recorded A, Vol. 1. p. 14.

XXVII. *An* ACT *limiting the Preſentments of the Grand-Jury.*
Recorded A, Vol. 1. p. 14.

Repealed by the Queen in Council Feb 7th. 1705.

XXVIII. *An* ACT *to aſcertain the Number of Members of Aſſembly, and to regulate Elections.*

Recorded A, Vol. 1. p. 15.

XXIX. *The* LAW *about Attachments.*---Recorded A, Vol. 1. p. 17.

XXX. *An* ACT *for Naturalization.*---Recorded A, Vol. 1. p. 19.

XXXI. *An*

XXXI. *An* ACT *for Aſcertaining the Diſcent of Lands, and better Diſpoſition of the Eſtates of Perſons inteſtate.* Repealed by the Queen in Council Feb. 7th, 1705.

Recorded A, Vol. 1. p. 20.

XXXII. *An* ACT *for raiſing County Levies.*---Repealed by XI. Geo. I.---Recorded A, Vol. 1. p. 23.

XXXIII. *An* ACT *directing the Atteſts of ſeveral Officers and Miniſters.* Repealed by the Queen &c.

Recorded A, Vol. 1. p. 27.

XXXIV. *An* ACT *for the better Attendance of the Juſtices on the ſeveral Courts of Judicature within this Province and Territories.*

TO the End that the reſpective Juſtices of the ſeveral Counties within this Province and Territories, may give their due Attendance at the ſame Courts, that Buſineſs may ſpeedly be effected, and People diſpatched to follow their reſpective Callings and Affairs, BE IT ENACTED, by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories thereunto belonging, in General Aſſembly met, and by the Authority of the ſame, That the Juſtices of the Peace, ſhall at their reſpective County Courts, give their Attendance, under the Penalty or Forfeiture of *Thirty Shillings*, the one half to the Poor of the County, and the other to the Proprietary and Governor; to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of the Majority of the Juſtices at the next ſubſequent Court, and to be directed to the Sheriff of the County; unleſs ſuch abſent Juſtice or Juſtices ſhall give a ſufficient Reaſon for ſuch his Abſence, to be allowed on by the ſaid Court, at the next Sitting thereof. Penalty on Juſtices not attending on Courts.

Recorded A, Vol. 1. p. 29.

XXXV. *An* ACT *againſt Jurors Abſenting, being lawfully ſummoned to attend the ſeveral Courts of Judicature within this Province and Territories.*

BE IT ENACTED, by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That all Perſons, Freemen within this Province and Territories, being duly and legally ſummoned to appear at any Court, to ſerve upon the Jury, or any Inqueſt required by Law, and ſhall neglect or omit to give their Attendance, ſhall be fined by the reſpective Courts, where they were ſummoned to attend, in any Sum not exceeding *Twenty Shillings*, for the Uſe of the Poor of the County where ſuch Offence ſhall be committed; unleſs, at the next ſucceeding Court, they ſhall render a reaſonable Excuſe for ſuch their Abſence, to be allowed of by the Judges or Juſtices then preſent. Penalty for not appearing on Juries.

Recorded A, Vol. 1. p. 30.

XXXVI. *An* ACT *for Determining of Debts under* Forty Shillings.

Recorded A, Vol. 1. p. 31.

XXXVII. *An* ACT *to prevent immoderate Fines.*

Recorded A, Vol. 1. p. 30.

XXXVIII. *An* ACT *about Defalcation.* Repealed by the Queen in Council Feb. 7th, 1705.

Recorded A, Vol. 1. p. 30.

XXXIX. *An* ACT *againſt Speaking in Derogation of Courts.*

Recorded A, Vol. 1. p. 31.

XL. *An* ACT *for the Appraiſement of Goods.*

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That the reſpective County Courts within this Province and Territories ſhall, and hereby have Power, as often as they ſhall ſee Cauſe, to nominate and appoint three ſufficient honeſt and diſcreet Perſons, whom they ſhall atteſt to be Appraiſers, in their ſeveral and reſpective Counties, to value and appraiſe all ſuch Goods and Chattels as ſhall be taken upon Executions by any Proceſs out of the reſpective Courts of this Government, or as Need ſhall require; which Goods ſhall not be ſold till ſuch Appraiſement be made by them as aforeſaid, or any two of them, nor till ſeven Days after the ſaid Appraiſement, to the End the Party or Parties concerned may be preſent at the Sale thereof if they ſhall think fit; which Sale ſhall be made openly, and in a publick Way and Manner, and the Overplus to be returned to the Owner. And in Caſe the Goods appraiſed will not ſell for ſo much as the ſame are appraiſed and valued to be worth by the ſaid Appraiſers, or any two of them as aforeſaid, the Creditor ſhall receive them for his Pay, according as the ſame are valued and appraiſed, returning the Overplus as aforeſaid. And the ſaid Appraiſers ſhall have as a Fee *Two-pence per Pound*, and *Two-pence per* Mile, Journey Fees. County Courts to nominate Appraiſers of Goods in Execution. The Goods not to be ſold within ſeven Days after appraiſement. Appraiſers Fees.

Recorded A, Vol. 1. p. 31.

XLI. *An* ACT *againſt Barrators.*

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That if any Perſon within this Province and Territories, in any Court within the ſame, be indicted, proved and adjudged a common Barrator, vexing others with unjuſt and vexatious Suits; he ſhall be adjudged a common Barrator, and his Suits and Actions rejected if the Court ſee Cauſe for the ſame, and he puniſhed for his Baratry.

Recorded A, Vol. 1. p. 32.

XLII. *An*

XLII. *An* ACT *to oblige Witneſſes to give Evidence, and to prevent falſe Swearing.*

Repealed by the Queen in Council Feb. 7th, 1705.

Recorded A, Vol. 1. p. 32.

XLIII. *An* ACT *confirming Deviſes of Lands, and Validity of Nuncupative Wills.*

Recorded A, Vol. 1. p. 33.

XLIV. *An* ACT *to prevent the grievous Sins of Curſing and Swearing within this Province and Territories.*

WHEREAS the Sins of Curſing and Swearing are odious and abominable to Almighty GOD, and all good men, and may draw down GOD's Judgments upon any Nation, Country or Province, where ſuch grand Offences go unpuniſhed: For the Prevention whereof, and to deter and puniſh all ſuch Perſons within this Province, or Territories as ſhall ſwear, or accuſtom themſelves to ſwearing or curſing;

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That if any Perſon or Perſons within this Province and Territories, from and after the Publication hereof ſhall ſwear in his or her common Converſation by the Name of GOD, CHRIST or JESUS, and ſhall be legally convict thereof, by one or more credible Witneſſes, before any one Juſtice of the Peace of the Town or County where ſuch Offence was committed, ſhall, for the firſt Offence, forfeit and pay the Sum of *Five Shillings*, for the Uſe of the Poor of the County where ſuch Offence was committed, or ſuffer five Days Impriſonment, in the Houſe of Correction, at hard Labour, and to be fed with Bread and Water only during that Time; and for the ſecond Offence *Six Shillings*, or ſix Days Impriſonment as aforeſaid; and for the third Offence *Ten Shillings*, or ten Days impriſonment as aforeſaid; and for the fourth Offence ſhall be fined at the Diſcretion of the County Court in any Sum not exceeding *Five Pounds*, or be compelled to work in Priſon at hard Labour, not exceeding two Months, and ſhall be deemed a common Swearer, and ſhall be liable to be whipped and receive Twenty-one Laſhes once in every three Months, during the Sitting of the County Court, for ſeven Years.

Repealed by Act of Aſſembly, 19 GEO. II. Vol. 2. p16

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That whoſoever ſhall ſwear by any other Name or Thing, and is legally convict thereof, ſhall pay for every ſuch Offence *Half-a-crown*, or ſuffer three Days Impriſonment in the Houſe of Correction at hard Labour, and to be fed with Bread and Water as aforeſaid.

Repealed.

Blaſphemy and prophanely Speaking how to be puniſhed.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That whoſoever ſhall wilfully premeditately and deſpitefully blaſpheme or ſpeak looſly and prophanely of Almighty GOD, CHRIST, JESUS, the HOLY SPIRIT, or the SCRIPTURES of TRUTH, and is legally convicted thereof, ſhall forfeit and pay the Sum of *Ten Pounds*, for the Uſe of the Poor of the County where ſuch Offence ſhall be committed, OR ſuffer three Months Impriſonment at hard Labour as aforeſaid, for the Uſe of the ſaid Poor. And whoſoever ſhall at any time curſe himſelf or any other, or any thing belonging to himſelf or any other, and is legally convicted thereof, ſhall pay for every ſuch Offence *Five Shillings*, or ſuffer five Days Impriſonment as aforeſaid.

Repaled by the ſame Act of Aſſembly.

Recorded A, Vol. 1. p. 34.

XLV. *An* ACT *to prevent all Duelling, and fighting of Duels within this Province and Territories.*

FOR the Prevention of Duelling and fighting of Duels within this Province and Territories, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That if any Perſon within this Government challenge the Perſon of another to fight at Sword, Piſtol, Rapire, or any other dangerous or deſtructive Weapon, ſuch Perſon ſo challenging ſhall forfeit and pay (being lawfully convict thereof) the Sum of *Twenty Pounds*, or ſuffer three Months Impriſonment at hard Labour: And the Perſon accepting ſuch Challenge ſhall forfeit and pay the like Sum of *Twenty Pounds*, or ſuffer Impriſonment as aforeſaid. The ſaid Forfeitures or Payments to be to the Uſe and Behoof of the Proprietary and Governor, and to no other Uſe whatſoever.

Fine for him that gives, and alſo for him that accepts a Challenge, &c.

Recorded A, Vol. 1. p. 35.

XLVI. *An* ACT *for impowering Widows and Adminiſtrators to ſell ſo much of the Lands of Inteſtates as may be ſufficient to clear their Debts*, &c.

Repealed by the Queen in Council Feb. 7th. 1705.

Recorded A, Vol. 1. p. 36.

XLVII. *An* ACT *for the Preſervation of the Perſon of the Proprietary and Governor.*

Recorded A, Vol. 1. p. 36.

XLVIII. *An* ACT *for taking Lands in Execution for the Payment of Debts, where the Sheriff cannot come at other Effects to ſatisfy the ſame.*

TO the End that no Creditors may be defrauded of the juſt Debts, due to them by Perſons of this Province or Territories, who have ſufficient real Eſtates, if not perſonal, to ſatisfy the ſame, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That all Lands and Houſes whatſoever within this Government, ſhall be liable to Sale, upon Judgment and Execution obtained againſt the Defendant, the Owner, his Heirs, Executors or Adminiſtrators, where no ſuffi-

Real Eſtates liable to Sale for Payment of Debts.

ficient.

ficient perſonal Eſtate is to be found; with this due Proviſo, That the Meſſuage and Plantation, with its Appurtenances, upon which the Defendant is chiefly ſeated, ſhall not be expoſed to Sale before the Expiration of one whole Year after Judgment is obtained; to the Intent that the Defendant, or any other, on his Behalf, may endeavour the Redemption of the ſame: And before any ſuch Lands Meſſuages or Houſes, or any other Lands, or Houſes whatſoever, taken in Execution, ſhall be ſold, they ſhall be duly appraiſed by twelve honeſt and diſcreet Men of the Neighbourhood; and that then it ſhall and may be lawful for the Sheriff to make Sale of and convey the ſame under his Hand and Seal. After which Sale and Appraiſement made as aforeſaid, ſuch Land and Houſes ſhall be and remain a free and clear Eſtate to the Purchaſer or Creditor to whom they are ſo made over or ſold, his Heirs and Aſſigns forever, as fully and amply as ever they were to the Debtor.

But the chief Houſe a Year after Judgment.

All the Lands to be appraiſed.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED, That lawful Intereſt ſhall be allowed to the Creditor for the Sum or Value he obtained Judgment for, from the Time the ſaid Judgment was obtained till the time of Sale, or till Satisfaction be made.

The Creditors to have Intereſt till Satisfaction.

PROVIDED ALSO, That the chief Plantation or Meſſuage ſhall be the laſt taken in Execution; and that where the Appraiſement of the Lands taken in Execution amounts to more than the Debt, Coſts and Damage, the Creditor ſhall not be obliged in ſuch Caſe to take the Whole, and pay the Overplus; but ſhall only take ſo much as to ſatisfy the Execution, and no more.

And ſo much of the Land as will pay the Debts, &c.

Recorded A, Vol. 1. p. 37.

XLIX. *An* ACT *for the better Regulation of Servants in this Province and Territories.*

FOR the juſt Encouragement of Servants in the Diſcharge of their Duty, and the Prevention of their Deſerting their Maſters or Owners Service, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That no Servant, bound to ſerve his or her Time in this Province or Counties annexed, ſhall be ſold or diſpoſed of to any Perſon reſiding in any other Province or Government, without the Conſent of the ſaid Servant and two Juſtices of the Peace of the County wherein he lives or is ſold, under the Penalty of *Ten Pounds*, to be forfeited by the Seller.

No Servant to be ſold out of this Government without his Conſent.

AND BE IT FURTHER ENACTED, That no Servant ſhall be aſſigned over to another Perſon by any in this Province or Territories, but in the Preſence of one Juſtice of Peace of the County, under the Penalty of *Ten Pounds*; which Penalty, with all others in this Act expreſſed, ſhall be levied by Diſtreſs and Sale of Goods of the Party offending.

Not aſſigned over except before a Juſtice.

AND BE IT ENACTED, by the Authority aforeſaid, That every Servant that ſhall faithfully ſerve four Years, or more, ſhall, at the Expiration of their Servitude, have a Diſcharge, and ſhall be duly cloathed with two compleat Suits of Apparel, whereof one ſhall be new, and ſhall alſo be furniſhed with one new Ax, one Grubbing-hoe, and one Weedinghoe, at the Charge of their Maſter or Miſtreſs.

The Allowance of Servants at the Expiration of their Servitude.

AND for Prevention of Servants quitting their Maſters Service, BE IT ENACTED by the Authority aforeſaid, That if any Servant ſhall abſent him or herſelf from the Service of their Maſter or Owner for the Space of one Day or more, without Leave firſt obtained for the ſame, every ſuch Servant ſhall for every ſuch Day's Abſence be obliged to ſerve five Days, after the Expiration of his or her Time, and ſhall further make ſuch Satisfaction to his or her Maſter or Owner, for the Damages and Charges ſuſtained by ſuch Abſence, as the reſpective County Court ſhall ſee meet, who ſhall order as well the Time to be ſerved, as other Recompence for Damages ſuſtained.

Servants ſhall ſerve 5 Days for every Day's Abſence from their Maſter, &c.

AND whoever ſhall apprehend or take up any runaway Servant, and ſhall bring him or her to the Sheriff of the County, ſuch Perſon ſhall, for every ſuch Servant, if taken up within ten Miles of the Servant's Abode, receive *Ten Shillings*, and if ten Miles or upwards, *Twenty Shillings* Reward of the ſaid Sheriff; who is hereby required to pay the ſame, and forthwith to ſend Notice to the Maſter or Owner, of whom he ſhall receive *Five Shillings*, Priſon Fees, upon Delivery of the ſaid Servant, together with all other Diſburſements and reaſonable Charges for and upon the ſame.

The Reward for taking up Run-aways, &c.

AND to prevent the clandeſtine employing of other Men's Servants, BE IT ENACTED by the Authority aforeſaid, That whoſoever ſhall conceal any Servant of this Province or Territories, or entertain him or her twenty four Hours, without his or her Maſter's or Owner's Knowledge and Conſent, and ſhall not within the ſaid Time give an Account thereof to ſome Juſtice of the Peace of the County, every ſuch Perſon ſhall forfeit *Twenty Shillings* for every Day's Concealment. And in caſe the ſaid Juſtice ſhall not, within twenty-four Hours after Complaint made to him, iſſue his Warrant, directed to the next Conſtable, for apprehending and ſeizing the ſaid Servant, and commit him or her to the Cuſtody of the Sheriff of the County, ſuch Juſtice ſhall for every ſuch Offence forfeit *Five Pounds*. And the Sheriff ſhall by the firſt Opportunity, after he has received the ſaid Servant, ſend Notice thereof to his or her Maſter or Owner; and the ſaid Sheriff neglecting or omitting in any caſe to give Notice to the Maſter or Owner of the Servant being in his Cuſtody as aforeſaid, ſhall forfeit *Five Shillings* for every Day's Neglect after an Opportunity has offered; to be proved againſt him before the next County Court, and to be there adjudged.

Penalty for concealing Servants.

Juſtices Duty, and Fine on Neglect thereof. As alſo the Sheriff's.

AND for the more effectual Diſcouragement of Servants imbezeling their Maſters or Owners Goods, BE IT ENACTED by the Authority aforeſaid, that whoſoever ſhall clandeſtinely deal or traffick with any Servant, white or black, for any Kind of Goods or Merchandizes, without Leave or Order from his or her

Penaly for dealing clandeſtinely with Servants.

Master or Owner, plainly signified or appearing, shall forfeit treble the Value of such Goods to the Owner; and the Servant, if a White, shall make Satisfaction to his or her Master or Owner by Servitude, after the Expiration of his or her Time, to double the Value of the said Goods: And if the Servant be a Black, he or she shall be severely whipt in the most publick Place of the Township where the Offence was committed.

Recorded A, Vol. 1. p. 39.

L. *An* ACT *for the Erecting and Establishing a Post-Office.*---Supplied by an Act of Parliament.
Recorded A, Vol. 1. p. 40.

LI. *An* ACT *for the Assize of Bread.*

FOR the better Regulation of Bakers, and the Assize of Bread, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That henceforth every Baker who makes any Bread for Sale, shall have a distinct Mark to be set on all the Bread he shall bake, and shall make it of the true Assize hereafter expressed, *that is to say*, When Wheat is ordinarily sold for Money at any of these several Rates hereafter mentioned, the several Sorts of Bread shall be respectively according to the following Table by *Troy-weight*.

Every Baker to set his Mark on Bread

Price of Wheat per Bushel		Penny white Bread.		Penny wheaten Bread.		Penny houshold Bread.	
s.	*d.*	*Oz.*	*Qr.*	*Oz.*	*Qr.*	*Oz.*	*Qr.*
3	0	10	0	15	2	23	0
3	6	9	1	14	0	21	0
4	0	8	2	12	3	19	0
4	6	7	3	12	0	17	0
5	0	6	3	11	1	16	0
5	6	6	0	10	2	14	3
6	0	5	2	9	3	13	1
6	6	5	0	9	1	12	0

The Weight Bakers shall make their Bread.

On Penalty, &c. And to make no more than three Sorts of Bread, &c.

And so proportionably under the Penalty of forfeiting all such Bread as shall not be of the several Assizes before mentioned, to the Use of the Poor where the Offence is committed, and otherwise as is hereafter expressed. And that each Baker shall bake but three Sorts of Bread, *viz.* White, Wheaten, and Houshold, and no more; and the Loaves shall be a *Penny* Loaf or Roll, a *Five-penny* Loaf, and a *Ten-penny* Loaf; and that if any of these exceed the Assize in Fineness or Weight, it shall be equally seizable as if it were under the Fineness or Weight. And each Baker of soft Bread shall be allowed *Six-pence* on the Bushel above the Assize, *that is to say*, When Wheat is at *Five Shillings per* Bushel, they shall make their Bread as if the Wheat were at *Five Shillings and Six-pence*. As Wheat being *Five Shillings per* Bushel, the *Penny* White Bread shall weigh six Ounces, the Wheaten ten Ounces and a Half, and the Houshold fourteen Ounces and three Quarters, and so proportionably, as if Wheat was sold at *Five Shillings and Six-pence*.

In every Town needful Clerks of the Market shall be appointed. Who are to try the Weight of Bread and Butter, which if too light shall be forfeited. How the Forfeitures shall be disposed of.

AND for the better Execution of this present Law, BE IT FURTHER ENACTED, That there shall be in every Market-town, and in all other Towns needful, one Person commissionated by the Proprietary and Governor to be Clerk of the Market for each Market, who shall be attested duly to perform his Office therein. All which Officers are hereby authorized to enter into all Houses either with a Constable or without where they shall suspect or be informed of any Bread baked for Sale, as also to weigh all such Bread as often as they shall see Cause, and seize all such as they shall find deficient; as also to weigh all Butter made up for Sale, or brought into or being in the Town or Market to be sold by Weight, which if found light a second time once after Notice is given shall be forfeited in like Manner; as also all Bread made for Sale, not being duly marked as aforesaid: Of all which Forfeitures, the said Officer shall have one third Part for his Trouble; and the other two Thirds to the Poor as aforesaid.

AND for the more effectual Prevention of Fraud herein, BE IT FURTHER ENACTED by the Authority aforesaid, that all Persons within this Province and Territories who bake any Bread for Sale shall at all Times hereafter have all their Bread that they shall bake either for Sale or to spend in their Families made of the due Assize, marked and yielded to Trial of the said Officer, as is directed in this Law, under the Penalty of forfeiting all such Bread whatsoever as aforesaid.

Recorded A, Vol. 1. p. 45.

Repealed by the Queen in Council Feb. 7th, 1705.

LII. *An* ACT *for Priority of Payment to the Inhabitants of this Government.*

Recorded A, Vol. 1. p. 46.

LIII. *An* ACT *for the Regulating of Streets and Water-courses in the Cities and Towns of this Government.*

Recorded A, Vol. 1. p. 48.

Supplied by an Act of Assembly X. Queen *Anne*.

LIV. *An* ACT *for preventing Accidents that may happen by Fire in the Towns of* Bristol, *lately called* Buckingham, Philadelphia, Germantown, Darby, Chester, New-castle *and* Lewis, within this *Government*.

Supplied by an Act of Assembly passed the Year next following.

LV. *An*

LV. *An* ACT *to impower the Juſtices in each County to lay out and confirm all Roads, except the King's Highways and publick Roads.*

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That all the King's Highways or publick Roads within this Province or Counties annexed, ſhall be laid out by Order of the Governor and Council for the time being; which Roads ſhall be recorded in the Council Book, with the Courſes thereof, as near as may be done,

The King's High-ways to be laid out by Order of the Governor and Council

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Juſtices of each County Court, within this Government, ſhall, and by Virtue of this Act, have Power, as often as they find needful, in open Court, to order and appoint ſix ſufficient Houſekeepers of the Neighbourhood inhabiting near the Place where Complaint is made, for Want of a Road or Cart-way unto the publick Road, who ſhall view the ſaid Place; and if the ſaid Houſekeepers, or any four of them, are ſatisfied that there is Occaſion for a Road or Cart-way to be laid out, according to the Complainant or Complainants Deſire, then they ſhall and may lay out the ſame in and through ſuch convenient Places as they ſhall think may be leaſt to the Damage or Inconveniency of the Neighbours or Parties concerned, and leaſt injurious to the Settlements, thereabouts; and of ſuch Breadth as the Juſtices ſhall order and appoint, ſo that it exceed not fifty Foot; and ſhall make Return thereof under their Hands to the next County Court, after it is laid out: And if then and there the Juſtices approve the ſame, it ſhall at the ſame Court be entered upon Record, and from thenceforth be taken, deemed and allowed to be a lawful Road or Cart-way from that time forwards. *Provided*, That no ſuch Road ſhall be carried through any Man's improved Lands, but where there is a Neceſſity for the ſame; and where that appears, the reſpective County Court ſhall appoint ſix indifferent Men to view and adjudge the Value of ſo much of ſuch improved Lands as ſhall be taken up for the Uſe aforeſaid, and the Value thereof ſhall be paid to the Owner of the ſaid Land out of the reſpective County Stock.

Cart-ways to the publick Roads by Order of the County Court.

Breadth thereof.

If approved of, to be entered upon Record.

Altered by Act of Aſſembly 1X. Geo. II.

AND to prevent any Difference that may ariſe among Neighbours, about Roads or Cart-ways laid out by Order of the Governor and Council or any of the County Courts in this Government, and which are or ſhall be entered upon Record, either before or after the making and publiſhing of this Act, BE IT ENACTED by the Authority aforeſaid, That all ſuch Roads and Cart-ways as before-mentioned, ſhall be taken, deemed and allowed to be free open and lawful Roads and Cart-ways from the time they are ſo laid out and recorded as aforeſaid.

Such Roads ſhall be free and open.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon or Perſons ſhall preſume to ſtop or hinder any of the ſaid High-ways, or other Roads heretofore laid out, or hereafter to be laid out and allowed of as aforeſaid, and ſhall commit any Nuſance therein, by falling of Trees, making Fences, or any other Way, and do not remove the ſame forthwith, ſuch Perſon or Perſons ſhall be fined in the Sum of *Five Pounds*, to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, to be imployed by the County Court for the clearing and removing of the ſaid Nuſances; and the Remainder thereof ſhall be imployed by the ſaid Court in Repairing and Clearing other Roads within the Townſhip where the Offence was committed, any Law, Cuſtom or Uſage to the contrary hereof in any wiſe notwithſtanding.

Fine on ſtopping the ſame.

Recorded A, Vol. 1. p. 49.

LVI. *An* ACT *for regulating and maintaining of Fences.*

FOR preventing all Diſputes and Differences that may ariſe through the Neglect or Inſufficiency of Fences in this Province and Counties annexed, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province, in General Aſſembly met, and by the Authority of the ſame, That all Corn-Fields and Grounds kept for Incloſures within the ſaid Province and Counties annexed, ſhall be well fenced with Fence at leaſt five Foot high, of ſufficient Rail or Logs, and cloſe at the Bottom; and whoſoever not having their Grounds incloſed with ſuch ſufficient Fence as aforeſaid, ſhall hurt, kill or do Damage to any Horſe, Kine, Sheep, Hogs or Goats of any other Perſons, by hunting or driving them out of or from the ſaid Grounds, ſhall be liable to make good all Damages ſuſtained thereby to the Owner of the ſaid Cattle. *Provided*, That all Sorts of Swine going at large contrary to the Intent of an Act made and paſſed this preſent Seſſions, entituled, *An ACT for reſtraining of Swine from running at large*, ſhall not fall nor be deemed within the Conſtruction of this Act. But if any Horſe, Kine, Sheep, Hogs or Goats, or any kind of Cattle, ſhall break into any Man's Incloſure, the Fence being of the aforeſaid Height and Sufficiency, and by the View of two Perſons, for that Purpoſe appointed by the County Court, found and approved to be ſuch, then the Owner of ſuch Cattle ſhall be liable to make good all Damages to the Owner of the Incloſure: For the firſt Offence ſingle Damages only, and ever after double the Damages ſuſtained. AND all Perſons having any unruly Horſes, Mares or Cattle, that are not to be kept off by ſuch Fences as aforeſaid, are ordered, and ſhall be obliged to take effectual Care to reſtrain the ſame from treſpaſſing on their Neighbours Incloſures

How Fences ſhall be made.

Swine running at large not within this Act.

Treſpaſſes on ſuch Incloſures to be made good, &c.

AND for the better aſcertaining and regulating of Partition-Fences, BE IT FURTHER ENACTED by the Authority aforeſaid, that where any Neighbours ſhall improve Lands adjacent to each other, or where any Perſon ſhall incloſe any Land adjoining to another's Land already fenced in, ſo that any Part of the firſt Perſon's Fence becomes the Partition Fence between them; in both theſe Caſes the Charge of ſuch Diviſion Fence (ſo far as incloſed on both Sides) ſhall be equally born and maintained by both Parties. To which End, and the others in this Act mentioned, each County Court within this Province ſhall nominate, and is hereby impowered and required to nominate and appoint ſo many honeſt and able Men as they ſhall think fit for each County reſpectively, to view all ſuch Fence and Fences about

A Diviſion fence to be maintained by both Parties.

The County Courts to nominate Perſons to be Judges of Differences about Fences.

about which any Difference may happen or arise; and that the aforesaid Persons in each County respectively shall be the sole Judges of the Charge to be born by the Delinquent, or by both or either Party; and of the Sufficiency of all Fences, whether Partion Fences or others. And where they judge any Fence to be insufficient, they shall give Notice thereof to the Owners or Possessors; and if any one of the said Owners or Possessors, upon the Request of the other, and due Notice given by the said Viewers, shall refuse to make or repair the said Fence or Fences, or to pay the Moiety of the Charge of any Fence before made (being a Division Fence) within ten Days after Notice given, that then, upon Proof thereof before two Justices of the Peace of the respective County, it shall be lawful for the said Justices to order the Person aggrieved and suffering thereby, to repair the said Fence or Fences, who shall be reimbursed his Cost and Charges from the Person so refusing to make good the said Partition Fence or Fences; and that the said Costs and Charges shall be levied upon the Offender's Goods and Chattels, by Warrant from the said Justice, by Distress and Sale thereof, the Overplus (if any be) to be returned to the Party offending.

How the aforesaid Judges are to proceed.

Recorded A, Vol. 1. p. 51.

LVII. *An* ACT *for the erecting of Bridges and maintaining Highways.*

FOR the greater Conveniency and Ease of traveling in and through this Province and Counties annexed, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, that within twelve Months after the Rising of this General Assembly, Bridges shall be built and maintained over all small Creeks and Rivulets, where the respective County Court shall see Cause, from the Falls of *Delaware* to the utmost Parts of *Sussex* County, on the King's Road, ten Foot broad, with Rails on each Side; *which County Courts with the Concurrence of the Grand Jury shall* agree with and appoint some Person or Persons to build such Bridges in their respective Counties, who shall be paid for the same out of the respective County Stocks. And where any Creek is the Bounds or Limits of two Counties, the Charge of a Bridge over such Creek shall be equally paid by each of the said Counties: And to that End it shall be lawful for the Governor and Council to appoint and agree with Workmen to build such Bridges as aforesaid; and when built to certify the same, with the Charges thereof to each of the said County Courts respectively, to be held next after such Bridges are finished; upon which the said Courts shall forthwith order their County Treasurer to pay such Undertaker or Undertakers their respective County Moieties for the same.

County Courts to order Bridges to be erected over small Creeks.

Where a Creek is the Boundary of two Counties, the Bridge to be ordered by the Governor and Council.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all Trees, Stumps of Trees and other Incumbrances, that lie in or cross any High-ways shall be cleared; and all Passages in and out of all Creeks in the King's Road, and all Passages in and out of all other Creeks, Runs and Branches, where other Roads are or shall be established, shall be made safe and easy both for Horse and Cart: And to that End each respective County Court shall divide their County into as many Precincts as they shall think fit, and shall, every seventh Month, yearly, nominate and appoint one Overseer of the High-ways over every such Precinct, under the Penalty of *Ten Pounds*. And every such Overseer shall summon all the Inhabitants of his respective Precinct, as from time to time he shall see Occasion, upon the Penalty of *Five Pounds*, to come to such Place or Places as he shall appoint, and be there ready at or before the Sun be one Hour high, and continue to work thereat till within one Hour of Sun-set (Meal-times excepted) upon the Penalty of *Twenty Shillings* for each wilful Absence or Neglect; and in case of Non-payment, to be levied by Warrant from the Justices at the next County Court, directed to such Person as the said Court shall order and appoint, by Distress and Sale of Goods; which Distress shall be returned to the next Court ensuing, to the Benefit of that Precinct towards the Defraying of the Charge of the High-ways and Bridges therein.

All Roads to be kept clear.

Overseers of the highways to be appointed yearly for each Precinct.

The Duty of such Overseers.

PROVIDED ALWAYS, That the said Overseers shall give each of the Inhabitants six Days Notice before they are to go out as aforesaid. And if any publick Road now is or hereafter shall be laid out by Authority over any Mill-race, which was cut before such Road was laid out, in such Case, if it be the King's Road, there shall be a Cartbridge built and maintained over the said Mill-race at the Charge of the County in Manner aforesaid. And if it be any other than the King's Road, then the Overseer of the Precinct wherein it is, shall order the making and maintaining such Bridge: But if any Mill-race be cut through any publick Road which was by Authority laid out before the cutting thereof, then the Owner or Owners of the said Mill-race shall build such Bridge or Bridges as aforesaid at his or their proper Cost and Charges.

Bridges over Mill-races by whom to be erected.

Recorded A, Vol. 1. p. 53.

LVIII. *An* ACT *against Wears cross Creeks and Rivers.*

TO the End that all Persons inhabiting upon or near any Creeks or Rivers in this Province or Counties annexed, may enjoy all Privileges and Advantages that from them are to be reaped. BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That whosoever shall make a Wear or Wears from one Side of any Creek or River in this Province or Counties annexed, to the other Side thereof, shall, for every such Offence, pay *Ten Shillings*, and the Wear or Wears shall be destroyed. *Provided*, That this Act shall not extend to Mill-Dams or Races, nor to such as make Wears on their own Lands, so as they shall not be injurious to others.

Recorded A, Vol. 1. p. 55.

LIX. *An* ACT *against unseasonable Firing of Woods.* Repealed by Act of Assembly VIII, Geo. II.

Recorded A, Vol. 1, p. 55.

LX. *An*

LX. *An* ACT *about Erecting and Regulating the Prices of Ferries,* Supplied by Act of Aſſembly IX. Geo. I.

Recorded A, Vol. 1. p. 55.

LXI. *An* ACT *for the Tryal of Negroes.*

Repealed by the Queen.

Recorded A, Vol. 1. p. 55.

LXII. *An* ACT *to prevent ſickly Veſſels coming into this Government.*

WHEREAS it hath been found by ſad Experience, that the Coming and Arriving of unhealthy Veſſels at the Ports and Towns of this Province and Territories, and the Landing of their Paſſengers and Goods before they have lain ſome time to be purified, hath proved very detrimental to the Health of the Inhabitants of this Province, BE IT THEREFORE ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That from and after the Publication hereof, no unhealthy or ſickly Veſſels, coming from any unhealthy or ſickly Place whatſoever, ſhall come nearer than one Mile to any of the Towns or Ports of this Province or Teritories, without Bills of Health; nor ſhall preſume to bring to Shore ſuch Veſſels, nor to land ſuch Paſſengers or their Goods at any the ſaid Ports or Places until ſuch time as they ſhall obtain a Licence for their Landing at *Philadelphia* from the Governor and Council, or from any two Juſtices of the Peace of any other Port or County of this Province or Territories, under the Penalty of *One Hundred Pounds* for every ſuch unhealthy Veſſel ſo landing as aforeſaid, to the Uſe of the Proprietary and Governor. And that ſuitable Proviſion be ordered by the Governor and Council for their Reception if they ſhall be permitted to land or come on Shore.

Sickly Veſſels not to come within a Mile of Philadelphia, or other Town without Licence.

Recorded A, Vol. 1. p. 59.

LXIII. *An* ACT *for the Sitting of the Orphans Courts,*---Supplied.

LXIV. *An* ACT *requiring all Maſters and Commanders of all Ships and Veſſels, to make Report at the Town of* New-caſtle, *that are or ſhall be bound to and from the Sea.*

Recorded A, Vol. 1. p. 59.

LXV. *An* ACT *for the Levying of Fines.*

Recorded A, Vol. 1. p. 61.

Repealed by the Queen in Council Feb. 7th. 1705.

LXVI. *The* LAW *about Departers out of this Province.*

Recorded A, Vol. 1. p. 61.

LXVII. *An* ACT *againſt the mixing and adulterating ſtrong Liquors.*

Recorded A, Vol. 1. p. 62.

LXVIII. *The* LAW *againſt Scolding.*---Recorded A, Vol. 1. p. 62.

LXIX. *The* LAW *about killing of Wolves.*---Supplied by the County Levies Act, XI. Geo. II.

Recorded A, Vol. 1. p. 63.

LXX. *An* ACT *concerning Bills of Exchange.*

BE IT ENACTED, by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That if any Perſon or Perſons within this Province and Territories ſhall draw or indorſe any Bill or Bills of Exchange upon any Perſon or Perſons in *England*, or other Parts of *Europe*, and the ſame be returned back unpaid, with a legal Proteſt, the Drawer thereof, and all others concerned, ſhall pay and diſcharge the Contents of the ſaid Bill or Bills, together, with *Twenty Pounds per Cent.* Advance for the Damage thereof, and ſo proportionable for greater or leſs Sums, in the ſame Specie as the ſaid Bill or Bills were drawn, or current Money of this Province, equivalent to that was firſt paid to the Drawer or Indorſer.

20 per Cent. on proteſted Bills of Exchange.

Recorded A, Vol. 1. p. 64.

LXXI. *An* ACT *for regulating Money-weights, and for ſtamping the ſame.*---Obſolete.

Recorded A, Vol. 1. p. 63.

LXXII. *An* ACT *appointing the Rate of the Money or Coin within this Province and Territories, and for preventing the Clipping of the ſame.*----Repealed by her Majeſty's Order in Council the 30th Day of *July*, 1703.

Recorded A, Vol. 1. p. 64.

LXXIII. *An*

LXXIII. *An* ACT *for regulating Weights and Measures.*

Standards of Weights and Measures to be kept in each County.

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories thereunto belonging, in General *Aſſembly* met, and by the Authority of the ſame, that in each County of this Province and Territories, there ſhall be had and obtained, within two Years after the making of this Law, at the Charge of each County, to be paid out of the County Levies, Standards of Braſs for Weights and Meaſures, according to the King's Standards for the Exchequer; which Standards ſhall remain with ſuch Officer in the Counties aforeſaid as ſhall be from time to time appointed by the Governor, with the Advice of the Council: And every Weight, according to its Scantling, and every Meaſure, as Buſhels, Half-buſhels, Pecks, Gallons, Pottles, Quarts and Pints, ſhall be made juſt Weights and Meaſures, and marked by him that ſhall keep the Standards. And no Perſon within this Province and Territories ſhall preſume to buy or ſell by any Weights or Meaſures not ſealed or marked in Form aforeſaid, and made juſt according to the Standards aforeſaid, by the Officers in whoſe Poſſeſſion the Standards remain, on Penalty of forfeiting *Five Shillings*, to the Proſecutor, being convicted by one Juſtice of the Peace of the unjuſtneſs of his Weights or Meaſures. AND that once a Year at leaſt, the ſaid Officer, with the Grand-Jury, or the major Part of them, or for Want of the Grand-Jury, with ſuch as ſhall be allowed and appointed by the reſpective County Courts aforeſaid, for Aſſiſtance, ſhall try the Weights and Meaſures in the Counties aforeſaid: And thoſe Weights and Meaſures as are defective, to be ſeized by the ſaid Officer and Aſſiſtants; Which ſaid Officer, for his Fees, for making each Buſhel, Half-buſhel and Peck juſt Meaſure, and marking the ſame that is large enough when brought to his Hands, ſhall have *Ten-pence*; and for every leſſer Meaſure, *Three-pence*: For every Yard *Three-pence*: For every Hundred and half Hundred Weight, being made juſt and marked, *Three-pence*; for every leſſer Weight, *One Penny*. And if the Weights and Meaſures be made juſt before they be brought to him, then to have but half the Fees aforeſaid for marking the ſame. And if the Officer ſhall refuſe to do any Thing that is enjoined by this Law, for the Fees appointed, and be duly convicted thereof, ſhall forfeit *Five Pounds*, to the Uſe of the Proprietary and Governor.

All Weights and Meaſures to be made accordingly and ſealed, and tried once a Year

The Officers Fees.

The Penalty on the Officer for Misbehaviour.

PROVIDED ALWAYS, AND IT IS HEREBY ENACTED, That the Braſs Half-buſhel, now in the Town of *Philadelphia*, and a Buſhel and Peck proportionable, and all leſſer Meaſures and Weights coming from *England*, being duly ſealed in *London*, or other Meaſures agreeable therewith, ſhall be accounted and allowed to be good by the aforeſaid Officer until the ſaid Standards ſhall be had and obtained.

Altered.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Perſon ſhall ſell Beer or Ale by Retail, but by Beer Meaſure, according to the Standard of *England*.

Recorded A, Vol. 1. p. 65.

LXXIV. *An* ACT *to prevent the Sale of ill tanned Leather, and working the ſame into Shoes and Boots.*---Repealed by the Queen.

Recorded A, Vol. 1. p. 66.

LXXV. *An* ACT *for keeping a Regiſtry in Religious Societies.*

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That the Regiſtry now kept, or which ſhall hereafter be kept by any religious Society, in their reſpective Meeting-book or Books, of any Marriage, Birth or Burial, within this Province or Territories thereof, ſhall be held good and authentick; and ſhall be allowed of upon all Occaſions whatſoever.

Recorded A, Vol. 1. p. 67.

LXXVI. *An* ACT *for Viewing Pipe-Staves.*---Supplied.

LXXVII. *An* ACT *for preventing of Swine Running at large.*---Diſcontinued by a Vote of the Houſe of Aſſembly. See Votes Vol. 1. p. 158.

LXXVIII. *An* ACT *that no Publick-Houſe or Inn within this Government be kept without Licence.* Repealed by the Queen.---Recorded A, Vol. 1. p. 67.

LXXIX. *An* ACT *for the better Aſſeſſing and Raiſing of County-Levies for this preſent Year.* Expired.

LXXX. *An* ACT *for the Aſcertaining the Dimenſions of Caſk, and for the true Packing of Meat for Tranſportation.*

Preamble.

WHEREAS it is the Intereſt of all Governments to exerciſe Truth and Uprightneſs in all their Trade and Dealings, which many Perſons, for their private Intereſt, too often violate: To the End

End therefore that the ſame may be obſerved in the Traffick and Commerce of this Province and Territories, and eſpecially that the Commodities generally exported to foreign Markets, may be good, in reſpect of their Quality and compleat in reſpect of their Quantity, and to prevent Differences about Meaſures, BE IT ENACTED, by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories in General Aſſembly met, and by the Authority of the ſame, That all tight Cask for Beer, Ale, Cider, Pork, Beef and Oyl, and all ſuch Commodities, ſhall be made of good, ſound well-ſeaſoned White-Oak Timber, and ſhall contain as followeth, *viz.* The Puncheon, eighty four Gallons; the Hogſhead, ſixty three Gallons; the Tierce forty two Gallons, the Barrel thirty one Gallons, and an half, and the half Barrel ſixteen Gallons Wine-Meaſure, according to the Practice of our neighbouring Colonies: And that all Coopers ſet their Marks on the ſaid Casks reſpectively, on Penalty of forfeiting the ſame. The Contents of Cask.

AND to prevent the Exportation of unſound and unmerchantable Beef and Pork, BE IT ENACTED by the Authority aforeſaid, That no Perſon, after the Publication hereof, ſhall preſume to ſhip any Beef or Pork before it be firſt viewed and packed or repacked by an Officer or Packer, to be for that Purpoſe appointed; which ſhall after the Officer's View and Approbation, be marked with the ſaid Officer's Mark: And any Perſon or Perſons that ſhall ſhip on Board any Veſſel, any Beef or Pork, in order to be tranſported, without the ſaid Officer's Mark as aforeſaid, he or they, for every ſuch Cask, ſhall forfeit and pay the Sum of *Ten Shillings*. AND the Juſtices of the reſpective County Courts, within this Government, ſhall nominate and appoint ſuch Officer or Packer as aforeſaid, which Officer ſhall have *Nine Pence* for the Packing, Pickling and Heading of every Barrel. Altered and ſupplied by an Act of the 13th of George I.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all Biſcuit and Flower made for Tranſportation, ſhall be well made, and honeſtly and truly packed, for the Encouragement of our Trade and Credit; that thoſe who purchaſe the ſame may not be cheated or defrauded. And all ſuch Perſons that make Flower or Biſcuit for Tranſportation ſhall ſet their ſeveral Brand Marks on each Cask before ſhip'd, on the Penalty of *Five Shillings* for every Cask by them ſold and unmarked as aforeſaid. And if any Bread or Flower ſhall paſs out of this Province or Territories falſe packed and the ſame happen to be returned, in all ſuch Caſes the Perſons offending ſhall pay to the Party wronged double Damages for the ſame. Altered and ſupplied by the 7th of George I.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That every Cooper, Baker and Bolter ſhall enter, or cauſe their reſpective Brand-Marks to be entered in a Book for that Purpoſe, to be kept by the ſaid Officer or Packer.

AND for the better enabling Coopers to comply with this Act, BE IT ENACTED by the Authority aforeſaid, That all Hogſhead-Staves ſhall be three Foot and a half long, and three Inches broad, clear of Sap: Barrel-Staves, two Foot and four Inches long, and three Inches broad, clear of Sap; and that all Hogshead and Barrel-Staves, that are not of the aforeſaid Dimenſions, ſhall be accounted not merchantable, but be reckoned two for one. Altered and ſupplied by 23 Geo. II. Vol. 2. p. 100,

AND that the Tobaccoes made and raiſed in this Government, may be at leaſt with equal Reputation abroad with thoſe of other Colonies, it is neceſſary that the Planters and Makers thereof uſe Honeſty in the Handling, and Faithfulneſs in the Packing thereof, BE IT THEREFORE ENACTED by the Authority aforeſaid, That all Tobacco-Hogſheads ſhall be made of good ſeaſoned Timber four Foot long, or within an Inch more or leſs, and thirty two Inches in the Head, equal with the Gauge of *Maryland*, four of which Hogſheads ſhall be accounted a Ton, and every Cask in which Tobacco is to be packed, ſhall be firſt rared and marked with the true Tare thereof, by the Planter or Packer of ſuch Tobacco, under the Penalty of *Twenty Shillings*, to be forfeited by the ſaid Planter to the Perſon that may be wronged thereby. *Provided*, That by reaſon of the Differences often found between Steelyards and Scales, no Perſon ſhall be liable to pay the Penalty aforeſaid, where the Difference in one Draught is not above five Pounds Weight. And for every Tobacco-Hogſhead, of the Dimenſions aforeſaid, the Buyer ſhall allow to the Planter or Seller *Five Shillings*, current Money of *Pennſilvania*. Dimenſions of Tobacco Hogſheads. Price there of.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon after the Publication hereof, wilfully and fraudulently pack, or cauſe to be packed into Hogſhead, and offer to Sale any Trash or Seconds, rotten or froſt bitten Tobacco, or ſuch as ſhall be altogether unmerchantable, or otherwiſe than what ſhall appear upon the Head or Outſide of the ſaid Tobacco when packed, and the ſame be diſcovered and found out before it be removed from the Place of Sale, being duly convicted thereof, ſhall pay for every ſuch Hogſhead ſo packed *Forty Shillings*, current Money of this Government, to the Poor of the County where the Offence ſhall be committed; any Law, Uſage or Cuſtom to the Contrary notwithſtanding. Penalty on Tobacco not being honeſtly pack'd.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Bread or Flower Cask ſhall be made for Tranſportation of larger Dimenſions then double the Gauge of the Wine Meaſure above mentioned, *viz.* The Half-Barrel not to exceed thirty one Gallons and half; the Barrel ſixty three Gallons, and ſo proportionably. Dimenſions of Flower-Cask.

PROVIDED ALWAYS, That any Perſon may make Caſk as much leſs as they pleaſe to ſuit any Market,

Recorded A, Vol. 1. p. 68.

LXXXI. *An* ACT *about cutting Timber-Trees,*

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories in General Aſſembly met, and by the Authority

thority of the ſame, That if any Perſon or Perſons within this Province or Territories, ſhall be convicted of Cutting or Falling any Black-Walnut Trees upon another Perſon's Land, without Leave, he ſhall forfeit to the Owner thereof *Five Pounds*, for every Tree ſo falled and cut; and for other Timber *Fifty Shillings* each Tree, and for Fire or Under-Wood double the Value thereof, to the Uſe aforeſaid.

Recorded A, Vol. 1. p. 71.

LXXXII. *The* LAW *againſt Drunkenneſs and Healths Drinking.*

Recorded A, Vol. 1. p. 71.

Repealed by the Queen in Council Feb. 7th, 1705.

LXXXIII. *An* ACT *for Bailing of Priſoners and about Impriſonment.*

LXXXIV. *An* ACT *againſt Pirates and Sea Robbers.*---Recorded A. Vol. 1. p. 72.

LXXXV. *An* ACT *for granting an Impoſt upon Wines, Rum, Beer, Ale, Cider,* &c. *imported, retailed and ſold in this Province and Territories.* Expired.

Recorded A, Vol. 1. p. 77.

LXXXVI. *An* ACT *for the raiſing of one Penny* per Pound, *and* Six Shillings per *Head, for the Support of the Government, and Payment of Debts, and Defraying the neceſſary Charge thereof.* Expired.

Recorded A, Vol. 1. p. 81.

LXXXVII. *An* ACT *for Granting and Raiſing to the Proprietary and Governor the Sum of* Two Thouſand Pounds *upon the clear Value of all real and perſonal Eſtates, and upon the Polls of all Freemen within this Province and Counties annexed*---Expired.

Recorded A, Vol. 1. p. 85.

LXXXVIII. *An* ACT *for the effectual Eſtabliſhment and Confirmation of the Freeholders of this Province and Territories, their Heirs and Aſſigns, in their Lands and Tenements.*---Repealed.

Recorded A, Vol. 1. p. 89.

LXXXIX. *An* ACT *for erecting a Bridge over the Creek at* Cheſter *in the County of* Cheſter.--Repealed.

Recorded A, Vol. 1. p. 94.

XC. *An* ACT *about Country Product to be current Pay in the Territories of the Province of* Pennſylvania.

Recorded, A, Vol. 1. p. 96.

This Law concerns the three Lower Counties only.

XCI. *The* LAW *for continuing and confirming the Laws hereafter expreſſed.*---Repealed by the Queen.

The ſeveral Laws paſſed in the Year 1693, and mentioned in this Act, are as followeth.

A. *The* LAW *about Court Proceedings and Summons.*

Any Perſon may appear to plead his own Cauſe in all Courts.

The Method of proceeding.

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That in all Courts, all Perſons of all Perſuaſions may freely appear in their own Way, and according to their own Manner, and there perſonally plead their own Cauſe themſelves, or if unable by their Friends: And that the firſt Proces ſhall be the Exhibition of Complaint fourteen Days before the Trial: And that the Defendant may be prepared for his Defence, he or ſhe ſhall be ſummoned no leſs than ten Days before, and a Copy of the Complaint delivered him or her at his or her Dwelling-houſe, to anſwer unto. But before the Complaint of any Perſon ſhall be received, he or ſhe ſhall ſolemnly declare, in open Court, *That he or ſhe believeth in his or her Conſcience that his or her Cauſe is juſt.* And if the Party complained againſt ſhall, notwithſtanding, refuſe to appear, the Plantiff ſhall have Judgment againſt the Defendant by Default.

Recorded A, Vol. 1. p. 96.

B. *The* LAW *about Trials by twelve Men.*---Repealed.---Recorded A, Vol. 1 p. 97.

C. *The*

C. *The* LAW *about Arreſts, and making Debtors pay by Servitude.*

Recorded A, Vol. 1. p. 97.

D. *The* LAW *about falſe Impriſonment.*---Recorded A, Vol. 1. p. 99. Repealed by the Queen in Council Feb. 7th, 1705.

E. *The* LAW *about acknowledging Deeds in Courts.*---Recorded A, Vol. 1. p. 99.

F. *The* LAW *about ſeven Years Poſſeſſion.*---Recorded A, Vol. 1. p. 100.

G. *The* LAW *about Sommoning of Juries.*

THAT due Preparation may be made for Diſpatch of Juſtice, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories in General Aſſembly met, and by the Authority of the ſame, That the Sheriff of every County ſhall, ten Days before the Sitting of the ordinary Courts of Juſtice, ſummon a ſufficient Number of Freemen, to attend the ſaid Court, for the Service of the ſaid County; and upon Neglect of his Duty herein, to be liable to pay double Damages to the Party or Parties grieved.

Recorded A, Vol. 1. p. 100.

H. *The* LAW *about the Manner of giving Evidence and againſt ſuch as lye in Converſation.*

Recorded A, Vol. 1. p. 100.

I. *The* LAW *about Appeals to the Province Courts.*

K. *The* LAW *about Forms of Writs.*

TO the End that Plainneſs and Brevity may be uſed, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That all Arreſts and Summons to anſwer, *&c.* made according to the following Forms, ſhall be held legal and authentick within this Government. See XI. GEO. I

An ARREST.

THESE are in the King's Name to command thee to arreſt the Body of A. B. *if found in thy Bailwick, and him ſafely keep and have at the next County Court, to be held, &c. on the &c. Day of the &c. Month next, as well to anſwer the Complaint of* C. D. *as to abide the Judgment of the ſaid Court; and make Return thereof, and of thy Doing herein, at the ſaid Court: Fail not at thy Peril; and for thy ſo Doing this ſhall be thy ſufficient Warrant. Given under my Hand and Seal this &c. Day of the Month, in the Year of the Reign of* William the *IIId*, &c. Annoq. Dom. The Form of Writs.

To the Sheriff of *&c.*

SUMMONS.

THESE are in the King's Name to require thee A. B. *to be and appear at the next County Court, to be held at &c. on the Day of Month next, to anſwer the Complaint of* C. D. *and thereof fail not at thy Peril. Given under my Hand and Seal this Day of the Month, in the Year of the Reign of over* England, &c. Annoq; Dom. And Summons.

Recorded A, Vol. 1. p. 101.

L. *The* LAW *againſt Perſons judging in their own Cauſe.*

TO the End that Juſtice may have its free Courſe in this Province or Territories, BE IT ENACTED by the Proprietary and Governor, by and and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That no Member of a Court of Juſtice ſhall ſit in Judgment whilſt his own Cauſe is upon Tryal; and if an Appeal ſhall at any Time be made from the Judgment of a Court to the Provincial Judges or to the Governor and Council: IT IS HEREBY FURTHER ENACTED, That no Judge or Member of Council ſhall ſit in Judgment upon that Appeal.

Recorded A, Vol. 1. p. 102.

M. *An* ACT *about Officers Fees.* Supplied.

N. *The* LAW *about Indian-Traders.*

WHEREAS great Complaint hath been made that divers Perſons, who are Non-Reſidents and unſettled, come into this Province, and privately and clandeſtinely deal and trade with the Indians; Preamble

Indians; who by reaſon of their Non-Reſidence as aforeſaid, and frequent Removal from one Province to another, are not careful to maintain a fair Correſpondence with the ſaid Indians, and often oppreſs and abuſe them in their Way of Trading and Dealing with them; which may provoke and ſtir up the Indians to a Revenge of the ſaid Abuſes, to the great Prejudice and Diſquietude of the Inhabitants of this Province, who are fixed therein, and have been inſtrumental in the ſettling, promoting and advancing the Welfare and Well-being thereof; BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That no Perſon, Non-Reſident either on Shore or on board any Veſſel (except ſuch as come here with their Families with an Intent to ſettle) deal or trade with any Indians within this Government, upon any Pretence whatſoever, upon the Forfeiture of *Five Pounds*, for every ſuch Offence, and the Goods ſo purchaſed, one half to go to the publick Uſe of the County, and the other half to the Diſcoverer.

Non-Reſidents not to trade with the Indians within this Government

AND BE IT FURTHER ENACTED, That no Inhabitant within this Province and Territories, from henceforth, under the Penalty aforeſaid, preſume to deal or trade with the Indians in the Woods, at their Towns or Wigwams after any private or clandeſtine Manner, but at their reſpective Manſion-Houſes; which ſaid Dwelling-Houſes ſhall be adjudged ſo to be by the reſpective Court in each County, any Law, Cuſtom or Uſage to the contrary notwithſtanding.

Nor the Inhabitants in the Woods, &c

Recorded A, Vol. 1. p. 102.

The Original Roll containing the foregoing Laws is thus cloſed: *Signed the foregoing ninety-one Laws contained in ninety three Pages by Order of the Houſe of Aſſembly at* New Caſtle *the Twenty-ſeventh of* November 1700.

JOS. GROWDON, *Speaker.*

XIII. GUIL. III. A. D. 1701.

The LAW *for Confirmation of the Laws of this Government.*

Recorded A, Vol. 1. p. 106.

XCII. *An* ACT *for Eſtabliſhing Courts of Judicature.* Repealed by the Queen.

Recorded A, Vol. 1. p. 110.

XCIII. *An* ACT *directing the Puniſhment of Larceny under* Five Shillings. Supplied.

Recorded A, Vol. 1. p. 121.

XCIV. *An* ACT *about Attachments under* Forty Shillings.---Repealed by Act of Aſſembly XXVI. Geo, II. Vol. 2. p. 201.

XCV. *An* ACT *for the preventing of clandeſtine Marriages.*

See the Supplement to this Act, 3. Geo. II.

FOR the Preventing of clandeſtine, looſe and unſeemly Proceedings in Marriage within this Province and Counties annexed, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That all Marriages not forbidden by the Law of GOD ſhall be encouraged; but the Parents or Guardians ſhall, if conveniently they can, be firſt conſulted with, and the Parties Clearneſs of all Engagements, ſignified by a Certificate from ſome credible Perſon where they have lived, or do live, produced to ſuch religious Society to which they relate, or to ſome Juſtice of the Peace of the County in which they live, and by their affixing their Intentions of Marriage on the Court-houſe or Meeting-houſe Doors in each reſpective County where the Parties do reſide or dwell, one Month before Solemnization thereof; the which ſaid Publication, before it be ſo affixed as aforeſaid, ſhall be brought before one or more Juſtices of the Peace in the reſpective Counties to which they reſpectively belong, which Juſtice ſhall ſubſcribe the ſaid Publication, witneſſing the Time of ſuch Declaration, and Date of the ſaid Publication ſo to be affixed as aforeſaid. And that all Marriages ſhall be ſolemnized by taking each other for Husband and Wife before twelve ſufficient Witneſſes; and the Certificate of their Marriage under the Hands of the Parties and Witneſſes, at leaſt twelve, and one of them a Juſtice of the Peace, ſhall be brought to the Regiſter of the County where they are married, and regiſtered in his Office. And if any Servant or Servants ſhall procure themſelves to be married without Conſent of his or her Maſter or Miſtres, ſuch Servant or Servants, ſhall, for ſuch their Offence, each of them ſerve their reſpective Maſters or Miſtreſſes one whole Year, after the time of their Servitude by Indenture or Engagement is expired. AND if any Perſon being free, ſhall marry with a Servant as aforeſaid, he or ſhe ſo marrying ſhall pay to the Maſter or Miſtreſs of the Servant, if a Man, *Twelve Pounds*, and if a Woman, *Six Pounds*, or one Year's Service; and the Servant ſo being married, ſhall abide with his or her Maſter or Miſtreſs according to Indenture or Agreement, and one Year after as aforeſaid. AND if any Perſon ſhall preſume to marry or be Witneſſes to any Marriage, contrary to this Act, ſuch Perſon ſo married, ſhall forfeit *Twenty Pounds* to the Proprietary and Governor; and the Witneſſes being preſent at ſuch Marriage ſhall forfeit and pay each of them *Five Pounds*, to the Uſe of the Proprietary and Governor as aforeſaid, and pay Damages to the Party grieved, to be recovered in any Court of Record within this Government.

Forms of Solemnization of Marriages before a Juſtice of the Peace.

Servants not to marry, without their Maſters Conſent.

Penalty on Perſon's marrying contrary to this Act.

PROVIDED, That this Law ſhall not extend to any who ſhall marry or be married in the religious Society to which they belong, ſo as Notice ſhall be given by either of the Parties to the Parents, Maſters, Miſtreſſes or Guardians, one full Month, at leaſt, before any ſuch Marriage be ſolemnized.

Marriages in religious Societies, &c. excepted.

AND

AND IT IS FURTHER ENACTED by the Authority aforeſaid, That no Licence or Diſpenſation ſhall hinder or obſtruct the Force or Operation of this Act, in reſpect of Notice to be given to Parents, Maſters, Miſtreſſes or Guardians as aforeſaid.

Recorded A, Vol. 1. p. 123.

XCVI. *An* ACT *for preventing Accidents that may happen by Fire in the Towns of* Briſtol (*formerly called* Buckingham) Philadelphia, Germantown, Darby, Cheſter, New-caſtle, *and* Lewis, *within this Government.*

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, that if within ten Days after the Publication hereof, any Perſon or Perſons within any of the ſaid Towns, ſet on fire their Chimnies to cleanſe them, or ſhall ſuffer them or any of them to be ſo foul as to take Fire and blaze out at the Top, and be duly convicted thereof by two credible Perſons of the Neighbourhood, before ſome one Juſtice of the Peace, ſuch Perſon or Perſons ſhall forfeit for every ſuch Offence *Forty Shillings*. Repealed by Act of Aſſembly, 8th Geo. I.

AND for the further ſecuring of Houſes, and preventing of Fire from deſtroying them in the ſaid Towns, BE IT ENACTED by the Authority aforeſaid, That every Owner or Tenant of every Dwelling-houſe within the ſaid Towns ſhall, within ten Days after the Publication hereof, provide and keep in or by his or her Houſe a Swab, at leaſt twelve or fourteen Foot long, as alſo two Leather Buckets, within ſix Months at fartheſt after the Publication aforeſaid, to be always ready againſt Accidents of Fire, under the Penalty of *Ten Shillings* for every reſpective Neglect hereof, to be convicted as aforeſaid. Two leather Buckets &c. to be kept in every dwelling-houſe.

AND BE IT FURTHER ENACTED, That if any Perſon ſhall preſume to ſmoak Tobacco in the Streets of *Philadelphia*, either by Day or Night, ſhall forfeit for every ſuch Offence *Twelve-pence*; all which ſaid Fines ſhall be paid to the reſpective Juſtices of each Town, for the Uſe of the Town, and are to be employed for buying and providing Leather Buckets, Hooks, and other Inſtruments and Engines againſt Fires, for the publick Uſe of each Town reſpectively. Fine for ſmoaking Tobacco in the Streets of Philadelphia.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That no Perſon, within the Town of *Philadelphia*, after ſix Months next following the Publication hereof, preſume to keep in their Houſes, Shops or Ware-houſes more than ſix Pounds of Gun-powder, at one time, unleſs it be forty Perches diſtant from any Dwelling-houſe, under the Penalty of *Ten Pounds*, for every ſuch Offence, to the Uſe aforeſaid, to be convicted in Manner above expreſſed. Repealed by the Powder Act. 11th Geo. I.

AND IT IS HEREBY FURTHER ENACTED, That it ſhall and may be lawful for any one or more of the Juſtices of the Town of *Philadelphia* to procure or cauſe to be made, four or ſix good ſufficient Hooks for pulling down Houſes in caſe of Fire (the ſaid Juſtice or Juſtices taking to his or their Aſſiſtance two or more of the skilful Freeholders for that Purpoſe) The ſaid Hooks to be paid for out of the Fines that ſhall or may accrue by this Act; or for Want thereof, out of any Money that is or ſhall be raiſed in *Philadelphia* for the Uſe of the ſaid Town. Hooks to be provided and by whom, &c.

Recorded A, Vol. 1. p. 124.

XCVII. *An* ACT *againſt Swine running at large in ſeveral of the Townſhips within this Government.*

Repealed by the Queen.

Recorded A, Vol. 1. p. 126.

XCVIII. *An* ACT *for the Deſtruction of Blackbirds and Crows.*

WHEREAS it manifeſtly appears by the innumerable Quantities of Blackbirds and Crows that continually haunt in this Province and Territories, to the great Prejudice, Hurt and Annoyance of the Inhabitants thereof, being very deſtructive to all Sorts of Corn and Grain that is raiſed therein, ſo that People's Labour is much deſtroyed thereby: And that the People may for the future be the better encouraged in their Labour and Induſtry, by deſtroying ſuch Birds, thereby to hinder their great Increaſe, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, that whoſoever ſhall at any time hereafter kill either Blackbirds or Crows, ſhall, for all ſuch Blackbirds that he or they ſhall ſo kill, have *Three-pence* the Dozen, and for every Crow *Three-pence*; *Provided*, that ſuch Perſon or Perſons do and ſhall bring the Heads of all ſuch Blackbirds or Crows to ſuch Perſon or Perſons as ſhall by the reſpective County Courts in each County within this Province and Territories be appointed to receive and take an Account of the ſame; which ſaid County Courts are hereby impowered and required yearly to appoint from time to time as many Perſons as they think convenient for that Service. And that ſuch Perſon or Perſons who ſhall be appointed to receive and take an Account of all ſuch Blackbirds and Crows as aforeſaid, ſhall have and receive for the ſame after the Rate of *Ten per Cent.* All which ſaid Sum or Sums of Money as the ſame ſhall amount unto, ſhall be defrayed and paid out of the publick Stock; to be levied and raiſed in ſuch Manner and Form in each County as other publick Charges of this Government are uſed to be raiſed and diſcharged. Reward for killing Blackbirds and Crows. *Vide* County Levy Act.

PROVIDED, That all and every ſuch Perſon and Perſons who are ſo appointed to receive and take Account of the Heads of all ſuch Blackbirds and Crows that ſhall be brought to them by the Inhabitants as aforeſaid, be atteſted to the faithful Diſcharge of their Duty therein, and to keep an exact Account thereof, which Account ſhall be deemed good and effectual: And that ſuch Perſons ſhall yearly bring

bring in their Accounts to the Court and Grand-Jury at such Time as is by Law appointed for calculating the publick Charges of the County.

Recorded A, Vol. 1. p. 127.

XCIX. *An* ACT *for the Sale of the Court-house and Prison in the County of* Chester.

Recorded A, Vol. 1. p. 128.

C. *An* ACT *against selling Rum and other strong Liquors to the Indians.*

Preamble. WHEREAS our Proprietary and Governor, and the Representatives of the Freemen of this Province and Territorries in General Assembly met, are still desirous to induce the Indian Nations to the Love of the Christian Religion, by the gentle, sober and just Manners of profess'd Christians (under this Government) towards them: And it being too obvious that divers Persons within this Province, have used and practised the selling of Rum, Brandy and other strong Liquors in such Quantities to the Indians; many of whom are not yet able to govern themselves in the Use thereof (as by sad Experience is too well known) that they are generally apt to drink to great Excess; whereby they are not only liable to be cheated, and reduced to great Poverty and Want, but sometimes inflamed to destroy themselves and one another, and terrify, annoy and indanger the Inhabitants. AND forasmuch as several *Sachims* or *Sachamacks*, King's of the Indian Nations, have in their Treaties with the Proprietary and Governor, earnestly desired that no *European* should be permitted to carry Rum to their Towns, because of the Mischiefs before expressed. AND since these evil Practices plainly tend to the great Dishonour of GOD, Scandal of the Christian Religion, and Hindrance to the Embracing thereof, as well as drawing the Judgments of GOD upon the Country, if not timely prevented: For the Prevention whereof for the future, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Assent of the Freemen of this Province and Territories in General Assembly met, and by the Authority of the same, That if any Person inhabiting in this Province, or others, shall, after the Publication hereof, directly or indirectly sell, batter, give or exchange by themselves or others, any Rum, Brandy or other Spirits, mix'd or unmix'd, to or with any Indian within this Province, and be lawfully convicted thereof, shall, for every such Offence, forfeit *Ten Pounds*, one half to the Use of the County wherein he is convicted, and the other half to the Discoverer and Prosecutor; to be recovered in any Court of Record within this Government, any Law, Usage or Custom to the contrary in any wise notwithstanding.

Ten Pounds Forfeiture for selling Rum, to the Indians.

How to convict the Offenders. AND WHEREAS it hath been very difficult to prevent this Evil, for Want of Proof against the Offenders, because they privately deal with the Indians, and very often back in the Woods, out of the View of any but themselves: THEREFORE BE IT ENACTED by the Authority aforesaid, That the Evidence of one profess'd Christian, with other probable Circumstances, to the Satisfaction of the Court and Jury, shall be sufficient to convict the Offenders herein.

Rum, &c. carried to their Towns to be forfeited. AND BE IT FURTHER ENACTED, by the Authority aforesaid, That all Rum, Brandy or other strong Liquors, that shall be carried or offered to Sale or Disposal to or at any of the Indian Towns or Habitations, within the Bounds of this Province, the same shall be forfeit, and is hereby declared to be forfeited, one Third to the Governor, and two Thirds to such Person or Persons as shall seize the same. AND all Persons (as well Indians as others) are hereby impowered to seize and secure all such Rum, Brandy or other strong Liquors, so found at any Indian Towns or Settlements as aforesaid,

No Person to take any Pawn of an Indian. AND WHEREAS some Persons in this Province have heretofore taken March-Coats, Guns, Kettles and other Necessaries of Hunting and Cloathing in Pawn from the Indians; whereby (being disabled to hunt) they have been deprived of a necessary Subsistance: For Prevention whereof for the future, BE IT ENACTED by the Authority aforesaid, That no Person within this Province, shall at any time hereafter, take or receive of any Indian any Pawn whatsoever, for any Rum, Brandy or other strong Liquors, or other Goods, under any Pretence whatsoever, under the Penalty of forfeiting of such Pawn to the Indian or Indians so pawning the same as aforesaid, over and above the Fine of *Ten Pounds* aforesaid: The said Pawn forfeited as aforesaid, to be seized by Warrant from the next Justice of the Peace, directed to the Constable of the Place where such Offenders shall live, upon Complaint and sufficient Proof made thereof to him as aforesaid.

Recorded A, Vol. 1. p. 129.

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12 & 13th Guil. III, A. D 1700-1.

At the COURT *at* St. James's, *the Seventh Day of* February, 1705.

PRESENT,

The QUEEN's most Excellent Majesty,

Lord Arch Bishop of *Canterbury*,
Lord Keeper,
Lord Treasurer,
Lord President,
Duke of *Ormond*,
Duke of *Marlborough*,
Lord Chamberlain,
Earl of *Stanford*,
Earl of *Radnor*,
Earl of *Berkeley*,
Earl of *Bradford*,
Lord Viscount *Cholmondly*,
Lord *Conningesby*,
Mr. Secretary *Hedges*,
Mr. Secretary *Harley*,
Lord Chief Justice *Holt*,
Mr. *Vernon*,
Mr. *How*.

WHEREAS by Letters Patents granted by his late Majesty, King CHARLES the Second, to *William Penn*, Esq; for the Proprietaryship and Government of the Province of *Pennsylvania*, in *America*, bearing Date the Fourth of *March*, 1680, the said *William Penn* is impowered, with the Advice of the Freemen of that Province, or their Deputies in General Assembly met, to enact Laws for the good Government

vernment of the ſaid Province, under a Proviſo, that ſuch Laws be not repugnant or contrary to, but ſo far as conveniently may be agreeable with the Laws of *England*. As alſo, that a Tranſcript or Duplicate of all ſuch Laws be, within five Years after the making thereof, tranſmitted and delivered to the Lords of the privy Council; and that if any of the ſaid Laws, within the Space of ſix Months after they ſhall be delivered as aforeſaid, be declared by her Majeſty to be void, the ſaid Laws ſhall thenceforth become null and void accordingly, otherwiſe to remain in full Force. And the Lords Commiſſioners for Trade and Plantations having this Day laid before her Majeſty in Council a Collection of Laws which they had received from Mr. *Penn*, under the Seal of that Province, which he hath certified to be ſigned and paſſed by him in that Province in the Years 1700, and 1701; the Titles whereof are as followeth, *viz.*

The Law concerning Liberty of Conſcience.
An Act againſt Riots, Rioters and riotous Sports, Plays and Games.
againſt Adultery and Fornication, *&c.*
againſt Rape or Raviſhment.
againſt Inceſt Sodomy and Beſtiality.
againſt Bigamy.
againſt Robbing and Stealing.
againſt breaking into Houſes.
againſt firing of Houſes, *&c.*
againſt Murder.
for Counry Seals, and againſt counterfeiting Hands and Seals.
about recording of Deeds.
limiting the Preſentments of the Grand-Jury.
The Law about Attachments.
An Act for Naturalization.
for the aſcertaining the Deſcent of Lands, and better Diſpoſition of Eſtates of Perſons Inteſtate.
to prevent immoderate Fines.
about Defalcation.
determining Debts under *Forty Shillings*.
to oblige Witneſſes to give Evidence, and to prevent falſe Swearing.
confirming Deviſes of Lands, and Validity of nuncupative Wills.
for impowering Widows and Adminiſtrators to ſell ſo much of the Land of Inteſtates as may be ſufficient to clear their Debts, *&c.*
for Priority of Payments to the Inhabitants of this Government.
for the Trial of Negroes.
about Departers out of this Province.
againſt the mixing and adulterating ſtrong Liquors.
The Law againſt Drunkenneſs and Healths-drinking.
An Act for bailing of Priſoners, and about Impriſonment.
for the effectual Eſtabliſhment and Confirmation of the Freeholders of this Province and Territories, their Heirs and Aſſigns, in their Lands and Tenements.
The Law about Arreſts, and making Debtors pay by Servitude.
about falſe Impriſonment.
about acknowledging Deeds in Court.
about ſeven Years Poſſeſſion.
about the Manner of giving Evidence, and againſt ſuch as lie in Converſation.
The Law for the Confirmation of the Laws of this Government.
An Act againſt Menacing, and Aſſault and Battery.
againſt Sedition, ſpreading falſe News, and Defamation.
of Privileges to a Freeman.
for the Names of Days and Months.
to aſcertain the Number of Members of Aſſembly, and to regulate the Elections.
directing the Atteſts of ſeveral Officers and Miniſters.

An Act againſt ſpeaking in Derogation of Courts.
for the Preſervation of the Perſon of the Proprietary and Governor.
requiring all Maſters and Commanders of all Ships and Veſſels to make Report at the Town of *New-caſtle* that are or ſhall be bound to and from the Sea.
for the Levying of Fines.
The Law againſt Scolding.
An Act to prevent the Sale of ill tanned Leather, and working the ſame into Shoes and Boots.
that no Publick-houſe or Inn within this Government be kept without Licence.
againſt Pirates and Sea-robbers.
for erecting a Bridge over the Creek at *Cheſter*, in the County of *Cheſter*.
The Law about Trials by twelve Men.
An Act for eſtabliſhing Courts of Judicature in this Province, and the Counties annexed.
againſt Swine running at large in ſeveral of the Townſhips within this Government.
about Boats and Canoes.
againſt forcible Entry.
againſt removing of Land-marks.
againſt Defacers of Charters, *&c.*
for regulating the Intereſt of Money.
againſt buying Lands of the Natives.
directing how petty Offences ſhall be puniſhed.
for the better Proviſion for the Poor within this Province and Territories.
about binding to the Peace.
for raiſing County Levies.
for the better Attendance of the Juſtices on the ſeveral Courts of Judicature within this Province and Territories.
againſt Jurors abſenting themſelves, being lawfully ſummoned to attend the General Courts of Judicature within this Province and Territories.
for the Appraiſement of Goods.
againſt Barrators.
to prevent the grievous Sins of Curſing and Swearing within this Province and Territories.
to prevent all Duelling and fighting of Duels within this Province and Territories.
for the taking of Land in Execution for the Payment of Debts where the Sheriffs cannot come at other Effects to ſatisfy the ſame.
for the better Regulation of Servants within this Province and Territories.
for erecting and eſtabliſhing a Poſt-Office.
for the Aſſize of Bread.
to impower the Juſtices in each County to lay out and confirm all Roads except the King's High-way and publick Roads.
for regulating and maintaining of Fences.
for the erecting of Bridges and maintaining High-ways.
againſt Wears croſs Creeks and Rivers.
againſt unſeaſonable firing of Woods.

An Act about erecting and regulating the Prices of Ferries.
to prevent ſickly Veſſels coming into this Government.
The Law about killing of Wolves.
An Act for regulating of Money-weights, and for ſtamping the ſame.
concerning Bills of Exchange.
appointing the Rates of Money or Coin within this Province.
for regulating Weights and Meaſures.
for keeping a Regiſtry in religious Societies.
for the aſcertaining the Dimenſions of Casks, and for the true packing of Meat for Tranſportation.
about cutting of Timber Trees.
for granting an Impoſt upon Wines, Rum, Beer, Ale, Cyder, &c. imported, retailed and ſold in this Province and Territories.
for raiſing *One Penny per Pound*, and *Six Shillings per* Head, for the Support of the Government, and Payment of Debts, and defraying the neceſſay Charges thereof.
for granting and raiſing to the Proprietary and Governor the Sum of *Two Thouſand Pounds* upon the clear Value of all real and perſonal Eſtates, and upon the Polls of all Freemen within this Province and the Counties annexed.
An Act about Country Product to be current Pay in the Territories of the Province of *Pennſylvania*.
The Law about Court Proceedings and Summoning Juries.
about Forms of Writs.
againſt Perſons judging in their own Cauſes.
about Indian Traders.
about Officers Fees.
An Act for the Puniſhment of Larceny under *Five Shillings*.
about Attachments under *Forty Shillings*.
for the preventing of clandeſtine Marriages.
for preventing Accidents that happen by Fire in the Towns of *Briſtol* (formerly called *Buckingham*) *Philadelphia*, *Germantown*, *Darby*, *Cheſter*, *New-caſtle* and *Lewis*, within this Government.
for the Deſtruction of Blackbirds and Crows.
for the Sale of the Court-houſe and Priſon in the County of *Cheſter*.
againſt ſelling Rum and other ſtrong Liquors to the *Indians*.

ALL which Laws having been peruſed and duly conſidered by the ſaid Lords Commiſſioners for Trade and Plantations; together with the Opinion of her Majeſty's Attorney General upon ſeveral of them in point of Law; and the ſaid Commiſſioners having this Day humbly repreſented to her Majeſty, that they find divers Reaſons for her Majeſty's diſallowing and repealing theſe Laws following, *viz.*

The Law *concerning Liberty of Conſcience.*
An Act *againſt Riots, Rioters and riotous Sports, Plays and Games.*
An Act *againſt Adultery and Fornication*, &c.
An Act *againſt Rape or Raviſhment.*
An Act *againſt Inceſt, Sodomy and Beſtiality.*
An Act *againſt Bigamy.*
An Act *againſt Robbing and Stealing.*
An Act *againſt breaking into Houſes.*
An Act *againſt firing of Houſes*, &c.
An Act *againſt Murder.*
An Act *for County Seals, and againſt counterfeiting Hands and Seals.*
An Act *about recording of Deeds.*
An Act *limiting the Preſentments of the Grand-Jury.*
The Law *about Attachments.*
An Act *for Naturalization.*
An Act *for the aſcertaining the Deſcent of Lands and better Diſpoſition of Eſtates of Perſons Inteſtate.*
An Act *to prevent immoderate Fines.*
An Act *about Defalcation.*
An Act *determining Debts under* Forty Shillings.
An Act *to oblige Witneſſes to give Evidence and to prevent falſe Swearing.*
An Act *confirming Deviſes of Lands, and Validity of nuncupative Wills.*
An Act *for impowering Widows and Adminiſtrators to ſell ſo much of the Land of Inteſtates as may be ſufficient to clear their Debts*, &c.
An Act *for Priority of Payments to the Inhabitants of this Government.*
An Act *for the Trial of Negroes.*
An Act *about Departers out of this Province.*
An Act *againſt the mixing and adulterating ſtrong Liquors.*
The Law *againſt Drunkenneſs and Healths-drinking.*
An Act *for bailing of Priſoners, and about Impriſonment.*
An Act *for the effectual Eſtabliſhment and Confirmation of the Freeholders of this Province and Territories, their Heirs and Aſſigns, in their Lands and Tenements.*
The Law *about Arreſts and making Debtors pay by Servitude.*
The Law *about falſe Impriſonment.*
The Law *about acknowledging Deeds in Court.*
The Law *about ſeven Years Poſſeſſion.*
The Law *about the Manner of giving Evidence, and againſt ſuch as lye in Converſation.*
The Law *for the Confirmation of the Laws of this Government.*
An Act *againſt Menacing, and Aſſault and Battery.*
An Act *againſt Sedition, ſpreading falſe News, and Defamation.*
An Act *of Privileges to a Freeman,*
An Act *for the Names of Days and Months.*
An Act *to aſcertain the Number of Members of Aſſembly, and to regulate the Elections.*
An Act *directing the Atteſts of ſeveral Officers and Miniſters.*
An Act *againſt ſpeaking in Derogation of Courts.*
An Act *for the Preſervation of the Perſon of the Proprietary and Governor,*
An Act *requiring all Maſters and Commanders of all Ships and Veſſels, to make Report at the Town of* New-Caſtle, *that are or ſhall be bound to and from the Sea.*
An Act *for the levying of Fines.*
The Law *againſt Scolding.*
An Act *to prevent the Sale of ill tanned Leather, and working the ſame into Shoes and Boots,*
An Act *that no Publick-houſe or Inn within this Government be kept without Licence.*
An Act *againſt Pirates and Sea Robbers.*
An Act *for erecting a Bridge over the Creek at Cheſter, in the County of Cheſter.*
The Law *about Trials by twelve Men.*
An Act *for eſtabliſhing Courts of Judicature in this Province, and the Counties annexed.*
An Act *againſt Swine running at large in ſeveral of the Townſhips within this Government.*

Which

Which Laws, together with the Reaſons for repealing the ſame, having been this Day taken in Conſideration at the Board, her Majeſty, with the Advice of her Privy Council, hath thought fit to declare her Diſallowance and Diſapprobation of the ſaid ſeveral Laws laſt above mentioned; and accordingly the ſame are hereby repealed, annulled and made void and of none Effect to all Intents and Purpoſes whatſoever.

JOHN POVEY.

Vera Copia,
Joſ. Growdon, *Speaker.*

Recorded A, Vol. 1. p. 132.

CI. *The* LAW *concerning Liberty of Conſcience.*

ALMIGHTY GOD being only LORD of Conſcience, Author of all divine Knowledge, Faith and Worſhip, who can only enlighten the Minds and convince the Underſtanding of People; in due Reverence to his Sovereignty over the Souls of Mankind, and the better to unite the Queen's Chriſtian Subjects in Intereſt and Affection, BE IT ENACTED, by *JOHN EVANS*, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief of the Province of *Pennſylvania* and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, that no Perſon now, or at any time hereafter, dwelling or reſiding within this Province, who ſhall profeſs Faith in GOD the Father, and in JESUS CHRIST His only Son, and in the HOLY SPIRIT, One GOD bleſſed for evermore, and ſhall acknowledge the Holy Scriptures of the Old and New-Teſtament to be given by divine Inſpiration, and, when lawfully required, ſhall profeſs and declare that they will live peaceably under the civil Government, ſhall not in any Caſe be moleſted or prejudiced for his or her *conſciencious* Perſuaſion, nor ſhall he or ſhe be at any time compelled to frequent or maintain any religious Worſhip-Place or Miniſtry whatſoever, contrary to his or her Mind, but ſhall freely and fully enjoy his or her *Chriſtian Liberty* in all Reſpects, without Moleſtation or Interruption.

IV. Annæ, 1705.

Liberty of Conſcience, and of religious Worſhip to whom allowed.

Recorded A Vol. p. 139.

CII. *An* ACT *againſt Murder and Manſlaughter* Altered and ſupplied by the *Act for the Advancement of Juſtice*, paſſed the 4 *Georgii* I.

Recorded A, Vol. 1. p. 139.

CIII. A CT *againſt Burglary.*-Supplied by 4 *Georgii.* I.---Recorded A, Vol. 1. p. 140.

CIV. *An* ACT *againſt Robbing and Stealing.*---Repealed by 4 *Georgii.* I.

Recorded A, Vol. 1. p. 141.

CV. *An* ACT *to reſtrain People from Labour on the Firſt Day of the Week.*

TO the End that all People within this Province may with the greater Freedom devote themſelves to religious and pious Exerciſes BE IT ENACTED by *JOHN EVANS*, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief of the Province of *Pennſylvania* and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That according to the Example of the primitive Chriſtians, and for the Eaſe of the Creation, every Firſt Day of the Week, commonly called *Sunday*, all People ſhall abſtain from Toil and Labour, that whether Maſters, Parents, Children, Servants, or others, they may the better diſpoſe themſelves to read and hear the Holy Scriptures of Truth at Home, and frequent ſuch Meetings of religious Worſhip abroad as may beſt ſuit their reſpective Perſuaſions. And that no Tradeſman, Artificer, Workman, Labourer or other Perſon whatſoever, ſhall do or exerciſe any worldly Buſineſs or Work of their ordinary Callings, on the Firſt Day, or any Part thereof (Works of Neceſſity and Charity only excepted) upon Pain that every Perſon ſo offending, ſhall, for every Offence, forfeit the Sum of *Twenty Shillings*, to the Uſe of the Poor of the Place where the Offence was committed; being thereof convicted before any Juſtice, either upon his View, Confeſſion of the Party, or Proof of one or more Witneſſes. And the ſaid Juſtice ſhall give a Warrant, under his Hand and Seal, to the next Conſtable where ſuch Offence ſhall be committed, to levy the ſaid Forfeiture or Penalty by Diſtreſs and Sale of the Offender's Goods and Chattels, rendering to the ſaid Offender the Overplus of the Money raiſed thereby.

Penalty on Working upon the Firſt Day of the Week.

PROVIDED ALWAYS, That nothing in this Act contained ſhall extend to prohibit the Dreſſing of Victuals in Families, Cook-ſhops and Victualinghouſes, or to Watermen landing their Paſſengers on the Firſt Day of the Week; nor to Butchers their killing and ſelling of Meat, or Fiſhermen from ſelling Fiſh on the Morning of the Firſt Day of the Week, in the fourth, fifth and ſixth Months, called *June*, *July*, and *Auguſt*; nor to the crying of Milk, before Nine of the Clock in the Morning, or after Five in the Afternoon.

Exception.

PROVIDED ALSO, That no Perſon ſhall be impeached, preſented or moleſted for any Offence before mentioned in this Act, unleſs he or they be proſecuted for the ſame within ten Days after the Offence committed.

Limitation of Proſecutions.

AND

No Writs &c to be ſerved, except for Treaſon, &c,

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Perſon or Perſons upon the firſt Day of the Week ſhall ſerve or execute or cauſe to be ſerved or executed any Writ, Precept, Warrant, Order, Judgment or Decree, except in Caſes of Treaſon, Felony or Breach of the Peace; but that the ſerving of any ſuch Writ, Precept, Warrant, Order, Judgment or Decree ſhall be void to all Intents and Purpoſes whatſoever: And the Perſon or Perſons ſo ſerving or executing the ſame, ſhall be as liable to the Suit of the Party grieved, and to anſwer Damages to him for doing thereof, as if he or they had done the ſame without any Writ, Precept, Warrant, Order, Judgment or Decree at all.

Penalty on Perſons who ſit Tippling in Taverns, &c. on the firſt Day

And on Inn-holders, &c. ſuffering the ſame.

AND BE IT FURTHER ENACTED, That all Perſons who are found Drinking and Tippling in Ale-Houſes, Taverns, or other publick Houſe or Place, on the Firſt Day of the Week, commonly called Sunday, or any Part thereof, ſhall, for every Offence, forfeit and pay *One Shilling and Six-pence*, to any Conſtable that ſhall demand the ſame, to the Uſe of the Poor: And all Conſtables are hereby impowered, and by Virtue of their Office, required to ſearch publick Houſes and Places ſuſpected to entertain ſuch Tipplers, and them, when found, quietly to diſperſe; but in caſe of Refuſal, to bring the Perſons ſo refuſing before the next Juſtice of the Peace, who may commit ſuch Offenders to the Stocks, or bind them to their good Behaviour, as to him ſhall ſeem requiſite. AND the Keepers of ſuch Ale-Houſes, Taverns, or other publick Houſe or Place, as ſhall countenance or tolerate any ſuch Practices, being convicted thereof, by the View of a ſingle Magiſtrate, his own Confeſſion, or the Proof of one or more credible Witneſſes, ſhall, for every Offence, forfeit and pay *Ten Shillings*, to be recovered as and for the Uſes aboveſaid.

Exception,

PROVIDED ALWAYS, That nothing in this Act be conſtrued to prevent Victualing-Houſes, or other publick Houſe or Place from ſupplying the neceſſary Occaſions of Travellers, Inmates, Lodgers, or others on the Firſt Day of the Week, with Victuals and Drink, in Moderation for Refreſhment only; of which neceſſary Occaſion for Refreſhment as alſo Moderation, the Magiſtrate before whom Complaint is made, ſhall be Judge; any Law, Uſage or Cuſtom, in this Province, to the contrary notwithſtanding.

Recorded A, Vol. 1. p. 142.

CVI. *An* ACT *againſt Rape or Raviſhment*.---Supplied by 4 Georgii I.

Recorded A, Vol. 1. p. 145.

CVII. *An* ACT *againſt Inceſt*.

Inceſtuous Marriages to be void and finable.

FOR the Preventing of inceſtuous Marriages within this Province, BE IT ENACTED, by JOHN EVANS, Eſqr; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor, in chief of the Province of *Pennſylvania*, and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That all Marriages hereafter made, being within the Degrees of Conſanguinity or Affinity, according to the following Table, are hereby declared to be void, to all Intents and Purpoſes; and it ſhall and may be lawful for the Governor for the time being, to grant a Divorce from the Bonds of Matrimony, and the Parties ſhall be fined to the Value of one third Part of their Eſtates.

Penalty on inceſtuous Fornicators, &c.

AND if any Perſon or Perſons ſhall be convicted of inceſtuous Fornication or Adultery, he, ſhe or they ſo convicted, ſhall ſuffer ſuch Puniſhments as are by Law againſt Fornication and Adultery, and be fined to the Value of one third Part of their Eſtates; to be paid to the Proprietor and Governor, for the time being, for the Support of Government and Defraying the contingent Charges thereof.

The Table of Degrees of Conſanguinity and Affinity, is as follows, viz.

	Degrees of Conſanguinity.		*Degrees of Affinity.*
A Man may not marry	His Mother.	*A Man may not marry*	His Father's Wife.
	His Father's Siſter.		His Son's Wife.
	His Mother's Siſter.		His Son's Daughter.
	His Siſter.		His Wife's Daughter.
	His Daughter.		The Daughter of his Wife's Son or Daughter.
	The Daughter of his Son or Daughter.		

	Degrees of Conſanguinity.		*Degrees of Affinity.*
A Woman may not marry	Her Father.	*A Woman may not marry*	Her Mother's Huſband.
	Her Father's Brother.		Her Daughter's Huſband.
	Her Mother's Brother.		Her Hutband's Son.
	Her Brother.		The Son of her Huſband's Son or Daughter.
	Her Son.		
	The Son of her Son or Daughter.		

CVII.

CVIII. *An* ACT *againſt Adultery and Fornication.*

FOR the Preſervation of Virtue, Chaſtity and Purity amongſt the Inhabitants of this Province, and Prevention of the heinous Sins of Adultery and Fornication, BE IT ENACTED by JOHN EVANS, Eſq; by the Queen's Royal Approbation Lieutenant Governor, under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief of the Province of *Pennſylvania* and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That if any Perſon or Perſons ſhall commit Adultery, and be thereof legally convict, ſuch Perſon or Perſons ſhall, for the firſt Offence receive on his or her bare Back Twenty-one Laſhes, well laid on, at the common Whipping-poſt, and ſuffer Impriſonment for one whole Year, at hard Labour, or be fined *Fifty Pounds*, one Half to the Uſe of the Governor, and the other Half to the Uſe of the Poor, at the Election of the Party offending: And the injured Husband or Wife ſhall have a Bill of Divorce from Board and Bed granted him or her by the Governor or Lieutenant Governor for the time being, if required within one Year after Conviction, AND if ſuch Perſon or Perſons ſhall offend a ſecond Time, and ſhall again be thereof convicted, ſuch Perſon or Perſons ſhall receive on his or her bare Back Twenty-one Laſhes at the common Whipping-poſt, and be impriſoned ſeven Years at hard Labour, or pay *One Hundred Pounds* as aforeſaid: And for the third, and every Offence after, the ſame Puniſhment, and be branded with the Letter A.

Penalty on committing Adultery.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon or Perſons ſhall commit Fornication, and be thereof legally convicted, ſuch Perſon or Perſons ſhall receive Twenty-one Laſhes on his or her bare Back, well laid on, at the common Whipping-poſt, or otherwiſe ſhall forfeit and pay to the Proprietary and Governor for the Support of the Government of this Province, and defraying contingent Charges thereof, the Sum of *Ten Pounds*, at the Election of ſuch Perſon ſo convicted as aforeſaid.

On Fornication.

What ſhall be Proof againſt the Woman and againſt the reputed Father.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That any ſingle or unmarried Woman having a Child born of her Body, the ſame ſhall be ſufficient Proof to convict ſuch ſingle or unmarried Woman of Fornication; and the Man by ſuch Woman charged to be the Father of ſuch Child ſhall be the reputed Father; and ſhe perſiſting in the ſaid Charge in the time of her Extremity of Labour, or afterwards in open Court, upon the Trial of ſuch Perſon ſo charged, the ſame ſhall be given in Evidence, in order to convict ſuch Perſon of Fornication.

A married Woman having a Child after her Husband has been abſent 12 Months declared Adultreſs.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any married Woman within this Province ſhall be convicted of having a Child born of her Body in the Abſence of her Huſband, and ſhall not be able by credible Evidence to prove that her Husband has cohabited or been in Company with her, or has been in ſome of the Queen's Colonies or Plantations in this Continent, betwixt the Eaſtermoſt Parts of *New-England* and the Southermoſt Parts of *North-Carolina*, within twelve Months next before the Birth of ſuch Child, ſuch Woman ſhall be puniſhed as an Adultreſs.

A ſingle Woman bearing a Baſtard Child, to be puniſhed in the County where the Child is born, &c.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That if an unmarried Woman, abſenting herſelf from the Place where ſhe uſually lived, ſhall come into any County within this Government, and there bear a Baſtard Child, ſhe ſhall be liable to be puniſhed in the County where the ſaid Child is born as ſhe ſhould or might have been, had the Child been there begotten. And whoſoever within this Government ſhall knowingly entertain or ſhelter any ſuch Woman, without giving Notice thereof to ſome one Juſtice of the Peace, within three Days after her coming into his or her Houſe to lodge, ſhall forfeit *Five Pounds* for every ſuch Offence.

Penalty on Perſons entertaining ſuch Women.

PROVIDED ALWAYS, That the Judgment or Sentence againſt ſuch married Woman ſhall not be put in Execution till after the Expiration of twelve Months next after ſuch her Conviction, and ſhe ſhall remain in Priſon during that Time, unleſs ſhe give Security to abide the Judgment. And in caſe her Husband ſhall within the ſaid Term come and declare, That he had cohabited with his Wife within the ſaid Term of twelve Months next before the Birth of the ſaid Child, and own and declare himſelf to be the Father thereof, Execution ſhall be ſtopped, and the Woman diſcharged.

Execution againſt ſuch married Woman to be ſtayed till twelve Months after conviction.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any ſingle Woman, being a Servant by Indenture or Covenant, have a Baſtard Child within the Time of her Servitude, ſhe ſhall ſerve ſuch further Time beyond the Term in her Indenture or Covenant mentioned as the Juſtices of the Peace, in their Quarter-Seſſions ſhall think fit, as a Compenſation to her Maſter or Miſtreſs for the Loſs and Damage they had ſuſtained by reaſon of her bearing ſuch Baſtard in the Time of her Servitude; *Provided* it be not more than two Years, nor leſs than one.

A Servant Woman having a Baſtard Child ſhall ſerve, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, that every Perſon being legally convict to be the reputed Father of a Baſtard Child ſhall give Security to the Court, Town or Place where ſuch Child was born, to perform ſuch Order for the Maintenance of ſuch Child as the Juſtices of the Peace in their Seſſions ſhall direct and appoint.

The reputed Father, &c. to maintain the Child.

Recorded A, Vol. 1. p. 147.

CIX. *An* ACT *againſt Bigamy.*

BE IT ENACTED by JOHN EVANS, Eſq; by the Queen's Royal Approbation Lieutenant Governor, under WILLIAM PENN, Eſq; abſolute Proprietor and Governor in chief of the Province of *Pennſylvania* and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That whoſoever ſhall be convicted of having two Wives or two Husbands at one and the ſame Time, ſhall be whipped on his or her bare Back Thirty-nine Laſhes, and be impriſoned during Life at hard Labour; and the ſecond Marriage

ſhall be void. AND if any Man or Woman, being unmarried, ſhall knowingly marry the Husband or Wife of another Perſon, ſuch Man or Woman ſhall be puniſhed as aforeſaid; and the firſt Wife or Husband of the Perſon offending againſt this Act ſhall have a Bill of Divorce from Board and Bed, granted by the Governor for the Time being, againſt the Husband or Wife ſo offending, if deſired within one Year after Conviction.

Recorded A, Vol. 1. p. 149.

CX. *An* ACT *againſt Sodomy and Buggery*,---Supplied by 4 *Georgii* I.

Recorded A, Vol. 1. p. 150.

CXI. *An* ACT *againſt burning of Houſes*, &c. ---Supplied by 4 *Georgii* I.

Recorded A, Vol. 1. p. 150.

CXII. *An* ACT *againſt Drunkenneſs and Drinking of Healths.*

FOR the Diſcouragement and Puniſhment of Drunkenneſs, BE IT ENACTED by JOHN EVANS Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief of the Province of *Pennſylvania* and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That every Perſon diſordering or abuſing him or herſelf with exceſſive Drinking unto Drunkenneſs; as alſo thoſe who are inſtrumental thereunto, by impoſing ſtrong Liquors, with drinking Healths, or otherwiſe, to provoke the ſame; and every Perſon ſuffering any ſuch Exceſs in their Houſes, being convicted thereof by one or more credible Witneſſes, ſhall, for the firſt Offence, pay *Five Shillings*, or ſuffer five Days Impriſonment at hard Labour; and for the Second, and every Offence after, *Ten Shillings*, or ten Days Impriſonment as aforeſaid.

Recorded A, Vol. 1. p. 151.

CXIII. *An* ACT *againſt riotous Sports, Plays and Games.*---Repealed by the Queen.

Recorded A, Vol. 1. p. 151.

CXIV. *An* ACT *againſt Riots and Rioters.*

BE IT ENACTED by JOHN EVANS, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief of the Province of *Pennſylvania* and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That if any Perſons, to the Number of three, or more, ſhall meet together with Clubs, Staves, or any other hurtful Weapons, to the Terror of any the peaceable People or Inhabitants of this Province, and ſhall commit, or deſign to commit Violence or Injury upon the Perſon or Goods of any of the ſaid Inhabitants, and ſhall be convicted thereof, ſuch Perſons ſhall be reputed and puniſhed as Rioters, according to the Laws of *England*; and ſuch Act of Terror or Violence, or Deſign of Violence, ſhall be deemed and accounted a Rior.

Recorded A, Vol. 1. p. 153.

CXV. *An* ACT *Limiting the Preſentments of the Grand-Jury.*---Repealed by the Queen.

Recorded A, Vol. 1. p. 153.

CXVI. *An* ACT *for determining of Debts under* Forty Shillings.-- Repealed by Act of Aſſembly, 1ſt. Georgii I.

Recorded A, Vol. 1. p. 154.

CXVII. *An* ACT *for further ſecuring the Adminiſtration of the Government of this Province.*--Repealed by the Queen,

Recorded A, Vol. 1. p. 154.

CXVIII. *An* ACT *for the better Confirmation of the Owners of Lands, and Inhabitants of this Province, in their juſt Rights and Poſſeſſions.*

Preamble. WHEREAS the late King *Charles* the Second, by his Royal Charter to *William Penn*, Proprietary and Governor of this Province, did declare, That the Laws for Regulating and Governing of Property within this Province, for Deſcent and Enjoyment of Lands, as likewiſe for the Enjoyment and Succeſſion of Goods and Chattels, ſhould be and continue the ſame as they ſhould be for the time being by the general Courſe of the Law in *England*, until the ſaid Laws ſhould be altered by the ſaid *William Penn*, his Heirs or Aſſigns, and by the Freemen of the ſaid Province, their Delegates or Deputies, or the greater Part of them.

See the Laws quoted here in the Appendix. AND WHEREAS divers Laws have been enacted in this Province, that made all Lands and Tenements (without any regard to the Fee-ſimple, and other Tenures by which they were held) as liable to pay Debts, as Chattels, and to be taken and ſold upon Execution, or by Decrees in Courts of Equity, or to be ſold by ſuch Executors as had no Power by their Teſtators Wills for ſo doing, and in certain Caſes to be ſold by Adminiſtrators, as alſo to be divided allotted and diſtributed amongſt the Widows and Children of Inteſtates. In Purſuance of which Laws divers Lands, Tenements and Hereditaments in this Province have been ſold, delivered, aſſigned, allotted

or

or distributed accordingly. Now, to the End that those Sales, Deliveries, Assignments and Allotments, or Distributions, may have Effect according to the Tenor and true Meaning of the said Laws, and that the Possessors and Owners of the said Lands and Hereditaments so sold, delivered, assigned and distributed, and their Heirs and Successors may quietly, have, hold and enjoy the same.

BE IT ENACTED, by JOHN EVANS, Esqr; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Esq; absolute Proprietary and Governor in chief of the Province of *Pennsylvania*, and Territories, by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That all and singular the Bargains and Sales being made, *bona fide*, and for valuable Consideration, as also all Assignments, Grants and Allotments or Distributions made to any Person or Persons whatsoever of any Lands, Tenements and Hereditaments, in this Province, according to the Tenor and Direction, or the true Intent and Meaning of the said Laws in those Cases made and provided, shall be, and are hereby declared to be good and effectual, and shall stand and be taken, deemed and adjudged good, sure and available in Law, against all Persons whatsoever, according to the Tenor and Effect of the same Bargains, Sales, Assignments, Grants and Allotments or Distributions; and that every Person or Persons, Bodies politick and corporate, their Heirs and Successors, and all claiming by, from or under them, or any of them, for and according to their, and every of their several Estates and Interests of, in, and to the said Lands, Tenements and Hereditaments, with their Appurtenances, so as aforesaid sold, delivered, assigned and allotted, shall or may quietly and peaceably have, hold and enjoy the same Lands, Tenements, and Hereditaments and Premisses, and every Part thereof, against all and every Person and Persons, their Heirs and Assigns, having, claiming or pretending to have any Estate, Right, Title, Interest, Claim or Demand whatsoever, of, in, or to the same: SAVING NEVERTHELESS, To all and every Person and Persons, Bodies politick and coporate (other than to the Person and Persons for Payment of whose Debts, or Maintenance of whose Widows and Children, any of the said Lands, Tenements or Hereditaments have been sold, delivered or conveyed as aforesaid, and his and their Heirs; and other than to the Heirs at Law of the said Intestates, or any claiming under them, who shall attempt to avoid or annul the said Divisions, Allotments or Distributions which have been made of the said Intestates Lands and Hereditaments amongst their Widows and Children by Virtue or in Pursuance of the said Laws) all such Actions, Estates, Possessions, Rights, Titles, Interests, Rents, Profits and Demands, as they or any of them have, shall, may or ought to have of, in or to all or any the said Lands, Tenements and Hereditaments, or any Part thereof, In such Manner and Form as if this Act had never been made: *So that* they do pursue their said Rights, Titles, Claims and Interests, by Way of Action or lawful Entry, before the first Day of *October*, which will be in the Year of our LORD, *One Thousand Seven Hundred and Ten.*

All Grants &c. made according to the Form of those Laws, declared good against the Grantors &c.

Yet all Strangers may pursue their Claims within a limited Time

PROVIDED ALWAYS, That all and every the Widows and Children of Intestates, to or amongst whom any Lands, Tenements or Hereditaments have been allotted or distributed by Virtue of the said Laws, and all and every Person or Persons to whom any Parts or Purparts of Lands, Tenements and Hereditaments have, as aforesaid, been, or hereafter shall be sold or delivered upon Executions, shall hold and enjoy their said respective Parts, Purparts or Allotments, in Severality, or as Tenants in common, and not as Joint Tenants.

Lands, &c. which have been distributed according to these Laws shall be held by the Parties as Tenants in common.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That no Deed, Grant, Conveyance or Assurance heretofore made of any Lands, Tenements or Hereditaments whatsoever, shall be judged or taken to be defective, avoided or prejudiced, for or by Reason of any Want of Form, or formal or orderly Parts of a Deed, as, *the Premisses, Habendum, Tenendum, Reddendum, the Clause of Warranty, the Conclusion, In Witness whereof*, and the *Date*, or for *Mis-naming*, *Mis-recital* or *Non-recital* of any of the said Lands or Hereditaments, or for *Mis-recital* or *Non-recital* or *not mentioning*, or *not true mentioning* of the Grantor's Estate, of, in, or to the Premisses, or for Want of *Livery and Seizin* or *Attournment* or *Proofs* of the Consideration-Money actually paid, or for *not producing in Court*, upon Tryal, any of the said Deeds or Grants recited in the said Conveyances, or for *not being recorded* in the Rolls-Office: But that all and every the said Deeds, Grants and Conveyances, Releases and Assurances shall be and are hereby declared and enacted to be good and available in Law, and shall be expounded as the Law of this Province was when they were made, and shall conclude all Strangers, as well as Privies to the same: *Saving* to every Person and Persons, other than to the said Grantors, their Heirs and Successors, all such Rights, Titles, Estates, Claims and Interests as they or any of them, had, or ought to have, of, in or to the said Lands, Tenements and Hereditaments, or any Part thereof, at the time when such Deeds or Conveyances were sealed and delivered, so as they do pursue their said Rights, Titles, Claims or Interests by Way of Action or lawful Entry, before the first Day of *October*, which shall be in the Year of our LORD, *One Thousand Seven Hundred and Ten*,

All Deeds defective in the Form &c. declared good,

Proviso.

Recorded A, Vol. 1. p. 155.

CXIX, *An* ACT *concerning the Probates of written and nuncupative Wills, and for confirming Devises of Lands.*

Written Wills proved in this Province, or elsewhere and certified Copies thereof shall be good and the Estate given by the same shall pass.

BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Esq; absolute Proprietary and Governor in chief, of the Province of *Pennsylvania*, and Territories, by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That all Wills in Writing, wherein or whereby any Lands Tenements or Hereditaments, within this Province, have been, are or shall be devised, (being proved by two or more credible Witnesses, upon their solemn Affirmation, or by other legal Proof in this Province; or being proved in the Chancery in *England*, and the Bill, Answer

Anſwer and Depoſitions tranſmitted hither, under the Seal of that Court, or being proved in the *Huſting's* or Mayor's Court in *London*, or in ſome Mannor-Court, or before ſuch as have or ſhall have Power in *England*, or elſewhere, ro take Probates of Wills and grant Letters of Adminiſtration, and a Copy of ſuch Will, with the Probate thereof annexed or endorſed, being tranſmitted hither, under the publick or common Seal of the Courts or Offices where the ſame have been or ſhall be taken or granted, and recorded or entered in the Regiſter-General's Office in this Province;) ſhall be good and available in Law, for the granting, conveying and aſſuring of the Lands or Hereditaments thereby given or deviſed, as well as of the Goods and Chattels rhereby bequeathed; and that the Copies of all Wills and Probates, under the publick Seals of the Courts or Offices where the ſame have been or ſhall be taken or granted reſpectively (other than Copies or Probates of ſuch Wills as ſhall appear to be annulled, diſproved or revoked) ſhall be judged and deemed, and are hereby declared and enacted to be Matter of Record, and ſhall be good Evidence to prove the Gift or Deviſe thereby made; and that all ſuch Probates, as well as all Letters of Adminiſtration granted out of this Province, being produced here under the Seals of the Courts or Offices granting the ſame, ſhall be as ſufficient to enable the Executors or Adminiſtrators, by themſelves or Attornies, to bring their Actions in any Court within this Province, as if the ſame Probates or Letters Teſtamentary or Adminiſtration were granted here and produced under the Seal of the Regiſter-General's Office of this Province.

Letters of Adminiſtration granted out of this Province declared good.

PROVIDED ALWAYS, That if any of the Wills (whereof Copies or Probates ſhall be ſo as aforeſaid produced and given in Evidence) ſhall, within ſeven Years after the Teſtator's Death, appear to be diſproved or annulled before any Judge or Officer, having Conuſance thereof, or ſhall happen to be revoked or altered by the Teſtator, either by a latter Will or Codicil in Writing, duly proved as aforeſaid, then and in every ſuch Caſe, it ſhall and may be lawful for the Party aggrieved, or his or their Heirs, Executors or Aſſigns, ro have their Action for what ſhall be taken or detained from them by Occaſion of ſuch Wills, or have their Writ or Writs of Error for Reverſing the judicial Proceedings thereupon, as the Caſe ſhall require, any thing herein contained to the Contrary notwithſtanding.

Proviſo.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That from henceforth no nuncupative Will be good where the Eſtate thereby bequeathed ſhall exceed the Value of *Thirty Pounds*, that is not proved by two or more Witneſſes, who were preſent at the making thereof, nor unleſs it be proved that the Teſtator at the time of pronouncing the ſame, did bid the Perſons preſent, or ſome of them, bear Witneſs, That ſuch was his Will, or to that Effect, nor unleſs ſuch nuncupative Will be made in the time of the laſt Sickneſs of the Deceaſed, and in the Houſe of his or their Habitation or Dwelling, or where he or ſhe hath been Reſident for the Space of ten Days, or more, next before the Making of ſuch Will, except where ſuch Perſon was ſurprized or taken ſick, being from his own Houſe, and died before he returned to the Place of his or her Dwelling.

Sundry Caſes where a nuncupative Will is, and is not good.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That after ſix Months paſt after ſpeaking of the pretended teſtamentary Words, no Teſtimony ſhall be received ro prove any Will nuncupative, except the ſaid Teſtimony, or the Subſtance thereof, were committed to Writing within ſix Days after the Making of the ſaid Will.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Letters Teſtamentary or Probate of any nuncupative Will ſhall paſs the Seal of the Regiſter-General's Office, in the reſpective Counties of this Province, till fourteen Days, at the leaſt, after the Death of the Teſtator be fully expired; nor ſhall any nuncupative Will be at any time received to be proved unleſs Proceſs have firſt iſſued out to call in the Widow or next of Kindred to the Deceaſed, to the End they may conteſt the ſame if they pleaſe.

Nuncupative Will not to paſs the Seal, *&c.* within 14 Days.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Will in Writing concerning any Goods or Chattels, or perſonal Eſtate, ſhall be repealed, nor ſhall any Clauſe, Deviſe or Bequeſt therein be altered or changed by any Words or Will by Word of Mouth only, except the ſame be in the Life of the Teſtator committed to Writing, and after the Writing thereof read unto the Teſtator, and allowed by him, and proved to be ſo done by two or more Witneſſes.

No written Will to be altered, *&c.* by Words only, except *&c.*

PROVIDED ALWAYS, That notwirhſtanding this Act, any Mariner or Perſon being at Sea, or Soldier, being in actual military Service, may diſpoſe of his Moveables, Wages, and perſonal Eſtate, as he or they might have done before the making of this Act.

Mariners and Soldiers Wills nor within this Act.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That there ſhall be an Officer, called Regiſter General, to be commiſſionated by the Governor from time to time, for the Probate of Wills and granting Letters of Adminiſtration in this Province; which Regiſter General ſhall keep his Office at *Philadelphia*, and ſhall from time to time conſtitute a ſufficient Deputy to officiate for him in each of the other Counties of this Province; who being by him deputed, ſhall be and are by this Act impowered to take Probates of Wills, and grant Letters of Adminiſtration in the reſpective Counties, as fully and amply as the Regiſter General himſelf ever could or can do, according to the Powers granted by the Royal Charter of the late King *Charles* the Second. Which Deputies ſhall have and uſe a common Seal, to be provided at the Charge of the reſpective Counties where they ſerve, with the like Inſcriptions as is or ſhall be upon the Seal of the Regiſter General's Office at *Philadelphia*. *Provided*, That no Perſon who ſhall prove any Will, or take Letters of Adminiſtration, in any one of the Counties of this Province, ſhall be obliged to prove the ſame Will, or take Letters of Adminiſtration in any other of the ſaid Counties, wherever ſuch Teſtator's or Inteſtate's Eſtates may lie or be. But before any Regiſter General or his Deputies ſhall enter upon their reſpective Officers, they ſhall be duly qualified, either before the Governor,

A Regiſter General's Office in Philadelphia; and Deputies in each County, *&c.*

No Perſon obliged to prove Wills, or take Letters of Adminiſtration in more than one County.

Governor, or in the Orphans Court of the County where they reſpectively officiate. And every Regiſter General, and every of his Deputies, ſhall find one or more ſufficient Sureties with himſelf, to become bound to the Governor for the time being, in a Bond of *Two Hundred Pounds*, for the true and faithful Execution of his Office, and for the delivering up the Records and other Writings belonging to the ſaid Office, by him, his Heirs, Executors and Adminiſtrators, to his Succeſſor in the ſaid Office, whole and undefaced; which ſaid Bond ſhall be recorded in the Orphans Court, and be kept by one of the Juſtices of the ſame Court, as the Majority of the Juſtices for the time being ſhall order; to be made Uſe of for making Satisfaction to the Parties that ſhall be damnified or aggrieved, as is, or ſhall be directed by the Laws of this Province in ſuch Caſes. AND if the Regiſter General, or his Deputies, or any of them, ſhall officiate in the ſaid Office before he hath given ſuch Security, or if the Regiſter General for the time being ſhall refuſe or neglect to conſtitute a Deputy Regiſter in each County, according to the Direction of this Act, then and in every ſuch Caſe he or they ſo offending ſhall forfeit the Sum of *Two Hundred Pounds*, to be recovered in any Court of Record in this Province; and the one Half thereof ſhall go to the Governor for Support of Government, and the other Half to him or them that ſhall ſue for the ſame.

The Regiſter General and his Deputies to be qualified, and ſhall give Security.

Recorded A, Vol. 1. 158.

CXX. *An* ACT *directing the Order of Payment of Debts of Perſons deceaſed.*

FOR preventing Diſputes and Conteſts at Law, or otherways, concerning the Order of Payment of Debts of Perſons deceaſed within this Province, BE IT ENACTED by *JOHN EVANS*, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief of the Province of *Pennſylvania* and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That all Debts owing by any Perſon within this Province, at the Time of his or her Deceaſe, ſhall be paid by his or her Executors or Adminiſtrators (ſo far as they have Aſſets) in Manner and Order following, That is to ſay, *Firſt*, Phyſick and Funeral Expenees: *Secondly*, Debts and Duties to the Queen: *Thirdly*, Debts due to the Proprietary and Governor: *Fourthly*, Judgments: *Fifthly*, Debts due by Recognizances: *Sixthly*, Rents: *Seventhly*, Obligations, Bills penal, and proteſted Bills of Exchange: *Eighthly*, Single Bills: *Ninthly*, Servants and Workmen's Wages: *Tenthly*, Merchants and Traders Book-debts, and Promiſes by Word, Arrears of Accounts, and ſuch like. Which ſaid Payments ſhall be good and available in Law againſt all Perſons whatſoever.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforeſaid, That nothing in this Act contained ſhall prevent or damnify any Executor or Adminiſtrator for diſcharging the Decedent's juſt Debts, as the ſame ſhall come to his, her or their Knowledge, without regard to the Priority of the ſame, in Payment, after the Expiration of twelve Months from the time of the ſaid Decedent's Deceaſe.

Twelve Months after the Parties Deceaſe no Priority of Debts, &c.

Recorded A, Vol 1. p. 162.

CXXI. *An* ACT *for the better Settling of Inteſtates Eſtates.*

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BE IT ENACTED by *JOHN EVANS*, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief of the Province of *Pennſylvania* and Territoties, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That the Regiſter General and his Deputies, having Power to grant Letters of Adminiſtration of the Goods and Chattels of Perſons dying Inteſtate within this Province ſhall, upon their granting ſuch Letters of Adminiſtration, take ſufficient Bonds, with two or more able Sureties (reſpect being had to the Value of the Eſtate) in the Name of the Regiſter General, with the Conditions in Manner and Form following, *mutatis mutandis*, *viz.*

Every Adminiſtrator to give Bond, &c.

THE Condition of this Obligation is ſuch, That if the within Bounden A. B. *Adminiſtrator of all and ſingular the Goods, Chattels and Credits of* C. D. *deceaſed, do make or cauſe to be made, a true and perfect Inventory of all and ſingular the Goods, Chattles and Credits of the ſaid Deceaſed, which have or ſhall come to the Hands, Poſſeſſion or Knowledge of him the ſaid* A. B. *or unto the Hands and Poſſeſſion of any other Perſon or Perſons for him; and the ſame ſo made do exhibit, or cauſe to be exhibited into the Regiſter's Office, in the County of at or before the Day of next enſuing; and the ſame Goods, Chattels and Credits, and all other the Goods Chattles and Credits of the ſaid Deceaſed, at the Time of his Death, which at any Time after ſhall come to the Hands or Poſſeſſion of the ſaid* A. B, *or into the Hands and Poſſeſſion of any other Perſon or Perſons for him, do well and truly adminiſter according to Law. And further, do make or cauſe to be made a true and juſt Account of his ſaid Adminiſtration, at or before the Day of . And all the Reſt and Reſidue of the ſaid Goods, Chattels and Credits which ſhall be found remaining upon the ſaid Adminiſtrator's Account (the ſame being firſt examined and allowed of by the Orphans Court of the County where the ſaid Adminiſtration is granted) ſhall deliver and pay unto ſuch Perſon or Perſons reſpectively as the ſaid Orphans Court, in the reſpective County, by their Decree or Sentence, purſuant to the true Intent and Meaning of this Act, ſhall limit and appoint. And if it ſhall hereafter appear, that any laſt Will and Teſtament was made by the ſaid Deceaſed, and the Executor or Executors therein named do exhibit the ſame into the ſaid Regiſter's Office, making Requeſt to have it allowed and approved accordingly: If the ſaid* A. B. *within Bounden, being thereunto required, do render and deliver the ſaid Letters of Adminiſtration (Approbation of ſuch Teſtament being firſt had and made in the ſaid Regiſter's Office) then this Obligation to be void and of none Effect, or elſe to remain in full Force and Virtue.*

With Condition, &c.

Orphan's Courts to have Conuſance of Adminiſtrations.

Which Bonds are hereby declared and enacted to be good, to all Intents and Purpoſes, and pleadeable in any Courts of Juſtice; And alſo, that the ſaid Orphans Court, in the reſpective Counties, ſhall and may, and are hereby enabled to proceed and call ſuch Adminiſtrators to Account for and touching the Goods of any Perſon dying Inteſtate: And upon Hearing, and due Conſideration thereof to order and make juſt and equal Diſtribution of what remaineth clear (after all Debts, Funerals, and juſt Expences of every Sort, firſt allowed and deducted) amongſt the Wife and Children, or Children's Children (if any ſuch be) or otherwiſe to the next of Kindred to the dead Perſon, in equal Degree, or legally repreſenting their Stocks, to every one his Right, according to the Laws in ſuch Caſes, and to the Rules and Limitations hereafter ſet down: And the ſame Diſtributions to decree and ſettle, and to compel ſuch Adminiſtrators to obſerve and pay the ſame, by the due Courſe of the Laws of this Province: Saving to every one (ſuppoſing him or themſelves aggrieved) their Right of Appeal to the Provincial or Supream Court of this Province.

Saving Appeals to the Supream Court.

Diſtributions of the perſonal Eſtate of Inteſtates how to be made.

PROVIDED ALWAYS, That the ſaid Orphans Court in each County, which is by this Act enabled to make Diſtribution of the Surpluſage of the Eſtate of any Perſon dying Inteſtate, ſhall diſtribute the whole Surpluſage of ſuch Eſtate or Eſtates in Manner and Form following, *That is to ſay*, One third Part of the ſaid Surpluſage to the Wife of the Inteſtate, and all the Reſidue by equal Portions, to and amongſt the Children of ſuch Perſons dying Inteſtate (allowing the eldeſt Son two Shares:) And to ſuch Perſons as legally repreſent ſuch Children, in caſe any of the ſaid Children be then dead (other than ſuch Child or Children who ſhall have any Eſtate by the Settlement of the Inteſtate, or ſhall be advanced by him in his Life-time, by Portion or Portions, equal to the Share which ſhall by ſuch Diſtribution be allotted to the other Children) to whom ſuch Diſtribution is to be made. And in caſe any Child who ſhall have any Eſtate by Settlement from the Inteſtate, or ſhall be advanced by the ſaid Inteſtate in his Life-time by Portion not equal to the Share which will be due to the other Children by ſuch Diſtribution as aforeſaid, then ſo much of the Surpluſage of the Eſtate of ſuch Inteſtate to be diſtributed to ſuch Child or Children as ſhall have any Land by Settlement from the Inteſtate, or were advanced in the Life-time of the Inteſtate, as ſhall make the Eſtate of all the ſaid Children to be equal as near as can be eſtimated, the eldeſt Son being allowed two Shares as aforeſaid. And in caſe there be no Children, nor any legal Repreſentatives of them, then one Moiety of the ſaid Eſtate to be allotted to the Wife of the Inteſtate, and the Reſidue of the ſaid Eſtate to be diſtributed equally to every of the next Kindred of the Inteſtate, who are in equal Degree, and thoſe who legally repreſent them. *Provided*, That there be no Repreſentatives admitted amongſt Collaterals after Brothers and Siſters Children. And in caſe there be no Wife, then all the ſaid Eſtate to be diſtributed equally to and amongſt the Children, the eldeſt Son to have two Shares as aforeſaid. And in caſe there be no Child, then to the next of Kindred, in equall Degree of or unto the Inteſtate, and their legal Repreſentatives as aforeſaid, and in no other Manner whatſoever.

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Children preferred to have ſo much of the Reſidue as will make their Share equal, &c.

Diſtributions to be made one Year after the Death of the Inteſtate, on giving Bond to refund, &c.

PROVIDED ALSO, and to the End that a due Regard be had to Creditors, that no ſuch Diſtribution of the Goods of any Perſon dying Inteſtate be made till after one Year be fully expired after the Inteſtate's Death. And that ſuch and every one to whom any Diſtribution and Share ſhall be allotted, ſhall give Bond, with ſufficient Sureties, in the ſaid Orphans Court, that if any Debt or Debts truly owing by the Inteſtate ſhall be afterwards ſued for and recovered, or otherwiſe duly made to appear, that then, and in every ſuch caſe, he or ſhe ſhall reſpectively refund and pay back to the Adminiſtrator his or her rateable Part of that Debt or Debts, and of the Coſts of Suit and Charges of the Adminiſtrator, by reaſon of ſuch Debts, out of the Part and Share ſo as aforeſaid allotted to him or her, thereby to enable the ſaid Adminiſtrator to pay and ſatisfy the ſaid Debt or Debts, ſo diſcovered, after the Diſtribution made as aforeſaid.

Except Adminiſtrations, with the Teſtament annexed.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforeſaid That in all Caſes where the Regiſter General hath uſed heretofore to grant Adminiſtration, with a Teſtament annexed, he ſhall continue ſo to do; and the Will of the Deceaſed, in ſuch Teſtament expreſſed, ſhall be performed and obſerved in ſuch Manner as it ſhould have been if this Act had never been made.

No Claim to be good after ſeven Years.

PROVIDED ALSO, That all ſuch of the Inteſtate's Relations, and Perſons concerned, who ſhall not lay legal Claim to their reſpective Shares within ſeven Years after the Deceaſe of the Inteſtate, ſhall be debarred from the ſame forever.

Lands &c. of Inteſtates may be ſold by Order of the Orphans Court.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon or Perſons ſhall die Inteſtate, being Owners of Lands or Tenements within this Province at the time of their Death, and leave lawful Iſſue to ſurvive them, but not a ſufficient perſonal Eſtate to pay their juſt Debts and maintain their Children, in ſuch caſe it ſhall be lawful for the Adminiſtrator or Adminiſtrators of ſuch Deceaſed to ſell and convey ſuch Part or Parts of the ſaid Lands or Tenements, for Defraying their juſt Debts, Maintenance of their Children, and for putting them Apprentices, and Teaching them to read and write, and for Improvement of the Reſidue of the Eſtate (if any be) to their Advantage, as the Orphans-Court of the County where ſuch Eſtate lies, ſhall think fit to allow, order and direct, from time to time.

Except Marriage-Settlements. Proceedings of that Court on ſuch Occaſions.

PROVIDED ALWAYS, That no Lands or Tenements, contained in any Marriage Settlement, ſhall by Virtue of this Act, be ſold or diſpoſed of, contrary to the Form and Effect of ſuch Settlement; nor ſhall any Orphans-Court allow or order any Inteſtate's Lands or Tenements to be ſold, before the Adminiſtrator, requeſting the ſame, doth exhibit one or more true and perfect Inventories and conſcionable Appriſement of all the Inteſtate's perſonal Eſtate whatſoever, as alſo a juſt and true Account, upon hi?

his or her ſolemn Affirmation, of all the Inteſtate's Debts which ſhall be then come to his or her Knowledge; and if thereupon it ſhall appear to the Court that the Inteſtate's perſonal Eſtate will not be ſufficient to pay the Debts and maintain the Children until the Eldeſt of them attains to the Age of Twenty-one Years, or to put them out to be Apprentices, and teach them to read and write, then, and in every ſuch caſe, and not otherwiſe, the Court ſhall allow ſuch Adminiſtrator to make publick Sale of ſo much of the ſaid Lands, as the Court, upon the beſt Computation they can make of the Value thereof, ſhall judge neceſſary for the Purpoſes aforeſaid: reſerving the Manſion-Houſe and moſt profitable Part of the Eſtate till the laſt. But before any ſuch Sale be made, the Court ſhall order ſo many Writings to be made by the Clerk, upon Parchment or good Paper, as the Court ſhall think fit, to ſignify and give Notice of ſuch Sales, and of the Day and Hour when, and the Place where the ſame will be, and what Lands are to be ſo ſold, and where they lie; which Notice ſhall be delivered to the Sheriff or Conſtables, in order to be fixed in the moſt publick Places of the County or City, at leaſt ten Days before Sale; and the Sheriffs or Conſtables are hereby required to make Publication accordingly; and the Adminiſtrator that makes ſuch Sale, ſhall bring his or her Proceedings therein to the next Orphans-Court after the Sale made. AND if it ſhall happen that any Lands be ſold by Virtue of this Act for more than the Court's Computation of the Value thereof, then the Adminiſtrator ſhall be accountable for the ſame, as by this Act is required for Inteſtate's perſonal Eſtates.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Surpluſage or remaining Part of the Inteſtate's Lands, Tenements and Hereditaments not ſold or ordered to be ſold by Virtue of this Act, and not otherwiſe limited by Marriage-Settlement, ſhall be divided between the Inteſtate's Widow and Children, or the Survivors of them, who ſhall equally inherit and make Partition as Tenants in common may or can do. But if the Inteſtate leaves a Widow and no Child, then ſuch Widow or Relict ſhall inherit one Moiety, or half Part of the ſaid Lands and Tenements, and the other Moiety ſhall deſcend and come to the Inteſtate's next Heir, according to the Courſe of the common Law. But if the Inteſtate leaves no Widow nor Child living at the time of his Death, or if the Children all die in their Minority, without Iſſue, then the ſaid Lands and Tenements ſhall deſcend and come to the Inteſtate's Heir at Law, according to the Courſe aforeſaid. But if any of the Inteſtate's Children dying before the Inteſtate, ſhall leave lawful Iſſue, ſuch Iſſue ſhall equally inherit the Inteſtate's Lands and Tenements, with their Uncles or Aunts, and make Partition as aforeſaid.

The Surpluſage of Lands, &c. not ſold, &c. to be divided amongſt, &c.

PROVIDED ALWAYS, That no Widow or Child of any Inteſtate having ſo much Land by Settlement from the ſaid Inteſtate, as by the ſaid Court's Computation of the Value thereof, ſhall be equal to the Share or Purparr of the Inteſtate's Lands, which by this Act are to be allotted to any of the other Children in Manner aforeſaid; then ſuch Widow or Child, ſo provided for, ſhall have no Share of the ſaid Surpluſage of the Inteſtate's other Lands. But if the Value of the Land, ſo ſettled by the Inteſtate, ſhall not, by the Computation aforeſaid, amount to an equal Share, then the ſaid Court ſhall allot to the Party ſo much of the ſaid other Lands as ſhall make the Shares or Eſtate of the Widow, and all the ſaid Children, equal, as near as can be eſtimated, the eldeſt Son having a double Share as aforeſaid.

The Widow or Child of any Inteſtate being provided for, &c. to have no Share of the Surpluſage, &c.

PROVIDED ALSO, That nothing in this Act contained ſhall give any Widow a Right or Claim to any Part of ſuch Lands or Tenements for her Dower or Thirds, as ſhall yield yearly Rents or Profits whereof her Huſband died ſeized, for any longer time than the Term of her natural Life; which Dower ſhe ſhall hold as Tenants in Dower do in *England*. And the ſaid profitable Lands or Tenements, and the unimproved or rough Land next adjacent thereto, ſhall not be ſold but for Payment of the Inteſtate's Debts.

The Widow to have no Claim to Lands but during Life.

PROVIDED ALSO, That no Partition of the Lands or Tenements which are to be divided by this Act, ſhall be made by or for the Relict or younger Children of the Inteſtate, if the Heir at Law will, within the Space of Twelve-months, pay ſo much Money, or other Effects, to the Perſon or Perſons demanding ſuch Partition, as their reſpective Shares or Purparts ſhall amount unto, by the Valuation of four or more Perſons indifferently choſen by both Parties, or by an Inqueſt appointed by the Orphans-Court, to value the ſame, where the Parties cannot otherwiſe agree. And the Perſon or Perſons (whether Minors or others) to whom or for whoſe Uſe, Payment or Satisfaction ſhall be made for their reſpective Purparts, by the Heir at Law, in Manner aforeſaid, ſhall be forever debarred of all the Right, Title and Demand which he or they can or may have of, in or to ſuch Share or Purparts, by Virtue of this Act; but the ſame ſhall be held and enjoyed by the Heir at Law, as freely and fully as the Inteſtate held the ſame.

No Partition to be made of Lands if the Heir at Law will pay the reſpective Shares.

AND in caſe ſuch Inteſtate ſhall have no known Kindred, then all his Lands, Tenements and Hereditaments ſhall eſcheat or go to the immediate Landlord of whom ſuch Lands are held, his Heirs and Aſſigns; and if immediately held of the Proprietary, then to the Proprietary, his Heirs and Aſſigns; and all the Goods, Chattels and perſonal Eſtate whatſoever of ſuch Perſon dying inteſtate, and without Kindred as aforeſaid, ſhall go to the Proprietary and Governor, his Executors or Adminiſtrators. But if any of the ſaid Inteſtate's Relations ſhall appear and make their Claims to ſuch Inteſtate's perſonal Eſtates within ſeven Years after the Deceaſe of the Inteſtate, they ſhall be reſtored thereunto.

And if the Inteſtate have no Kindred his Lands, &c. ſhall eſcheat to the Landlord, &c. and his Goods, &c. to the Proprietary &c.

AND if the lawful Heir to any ſuch Lands or Tenements ſhall at any time, within Twenty-one Years, after the Inteſtate's Deceaſe, appear, he may traverſe the Inquiſition or Office found for the Land ſo eſcheated, and recover the ſame, paying the Lord or Perſon in Poſſeſſion for the Improvements made thereupon, according to the Valuation of twelve Men.

But if the Heir at Law to ſuch Lands ſhall appear in 21 Years, he may recover the ſame.

Recorded A, Vol. 1. p. 122.

CXXII. *An* ACT *for the Acknowledging and Recording of Deeds.*--Repealed by the Queen.
Recorded A, Vol. 1. p. 170.

CXXIII. *An* ACT *to ascertain the Number of Members of Assembly, and to regulate the Elections.*

Time and Place for electing Members of Assembly.

BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation Lieutenant Governor, under WILLIAM PENN, Esq; absolute Proprietary and Governor in chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That for the well governing of this Province, there shall be an Assembly yearly chosen, and for that End it shall and may be lawful to and for the Freemen and Inhabitants of the City of *Philadelphia*, as also for the Freemen and Inhabitants of the respective Counties of this Province, without any Writ or Summons, to meet on the First Day of *October*, yearly, forever, at the most usual Place of Elections in the said respective Counties, *That is to say*, For the City and County of *Philadelphia*, at or near the present Market Place in the said City; and for the County of *Bucks*, upon the Court-House Ground in the Town of *Bristol*; and for the County of *Chester*, at or near the Court-House in the Town of *Chester*; and then and there choose their Representatives or Delegates, to serve them in Assembly, which shall consist of not less than two Persons for the said City of *Philadelphia*, and eight Persons for each County of this Province; or a greater Number, as the Governor and Assembly shall at any time hereafter agree.

The new chosen Assembly's first Meeting.

AND that the Members, so to be elected, shall meet and sit in Assembly on the Fourteenth Day of *October*, yearly, forever, at the said City of *Philadelphia*, unless the Governor and Council, for the time being, shall see cause to appoint another Place, within this Province, to sit at. But when any of the said Days of Elections or Meeting of Assembly shall happen to fall on the first Day of the Week, called *Sunday*, then such Election and Meeting shall be the next Day following.

Who is qualified to elect or to be elected in the Counties.

PROVIDED ALWAYS, That no Inhabitant of this Province shall have Right of Electing, or being elected as aforesaid, unless he or they be natural born Subjects of *England*, or be naturalized in *England*, or in this Government, and unless such Person or Persons be of the Age of Twenty-one Years, or upwards, and be a Freeholder or Freeholders in this Province, and have Fifty Acres of Land, or more, well seated, and twelve Acres thereof, or more cleared and improved, or be otherwise worth *Fifty Pounds* lawful Money of this Province, clear Estate, and have been resident therein for the Space of two Years before such Election.

And who in the City of Philadelphia.

AND to the End that Elections, upon which the Good of the Government so much depends, may not be corruptly managed or obtained, BE IT ENACTED by the Authority aforesaid, That all the Elections of the said Representatives shall be free voluntary; and by Persons having Estates and being qualified as aforesaid, in the respective County or Counties for which he or they shall elect or be elected; *Provided* that the Electors and Elected for the said City of *Philadelphia*, shall have a Freehold Estate, or be worth *Fifty Pounds*, clear personal Estate within the same City, and be otherwise qualified as aforesaid. AND that the Elector who is not so qualified as aforesaid, or that shall receive any Reward or Gift for his Vote, shall forfeit his Right of Electing for that Year, and shall pay the Sum of *Five Pounds*, the one Half thereof to the Governor, and the other Half to him or them that shall sue for the same in any Court of Record within this Province.

Penalty on offering or taking Bribes.

AND that he or they who shall give, offer or promise any Reward to be elected, or shall offer to serve for nothing or less Allowance than the Law prescribes, shall forfeit *Five Pounds*, the one Half thereof to the Governor, and the other to him or them that will sue for the same, in Manner aforesaid, and be incapable to serve for that Year.

See XIX. Geo. II. p. 7.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That every Sheriff, or in his Absence, his Under-Sheriff, or such as he shall depute, or for Want of such Deputation, the Coroner, or such as he shall appoint, or for Want of such Appointment, any two of the Freeholders, who by the major Part of the Electors then and there present, shall be nominated and appointed Judges of the said Elections in the Absence of the Sheriff or Coroner, shall attend at the said Elections and shall appoint such a Number of Clerks for taking the Poll or Votes of the Electors, as the Inspectors hereafter-mentioned shall appoint; who shall all take the said Poll or Names of the Electors in the Presence of the said Sheriff, Coroner or other Judges, so nominated as aforesaid, or such as any of them, shall depute or appoint, and shall make as many distinct Columns, on fair Paper as there shall be Candidates voted for, as is herein after express'd; But before they begin every Clerk so appointed shall, by the said Sheriff or Coroner, or by some Magistrate then present, be attested or charged upon his solemn Affirmation, *Truly and indifferently to take the said Poll, and set down the Names of each Freeholder and Elector and the Place of his Freehold or Estate, and to poll no Elector, who is not attested if so required by the Inspectors of such Clerks.* Which Inspectors are to be nominated by the major Part of the Electors as aforesaid.

AND every Person coming to elect Members for the City of *Philadelphia*, as also every Person coming to elect Members for the said respective Counties, shall deliver in Writing the Names of those Persons for whom they vote, to the Sheriff, or some other of the said Persons so as aforesaid appointed Judges of the said Elections, who shall open the Paper, if the Elector be illiterate, and read the Persons Names contained therein, and ask such Elector Whether these are Persons for whom he votes? Which Paper, upon his Affirmative, shall be received and put with the rest of the Electors Papers in a Box, which every Sheriff is hereby required to provide for that Purpose.

BUT if the Elector brings no such Paper or Ticket, or if the illiterate Elector will not vote for the Persons contained in his Paper, then and in all such Cases the Elector shall verbally give in the Names of the

the Persons he mostly desires should be chosen, which Names shall be entered down by the said Clerks.

PROVIDED ALWAYS, That every Elector, before he be admitted to poll (if required by any of the said Inspectors) shall upon his solemn Affirmation declare, That *he is Twenty-one Years of Age, and a Freeholder of the County of and has Fifty Acres of Land, or more, well seated, and twelve Acres thereof, or more, cleared:* Or, *That he is otherways worth* Fifty Pounds, *Money of this Province, clear Estate, and hath been resident therein for the Space of two Years, and that he has not been before polled at that Election.* The Qualification of the Electors.

AND in case any Person, taking the said Affirmation, shall be lawfully convicted of wilfully and corruptly making a false Affirmation therein, or if any shall suborn any Person to take such false Affirmation, he and they shall incur the same Penalties and Forfeitures as by the Laws and Statutes of *England* are provided against Persons convicted of wilful and corrupt Perjury and Subornation of Perjury respectively. Penalty of making a false Affirmation.

AND that the said Poll shall not be delayed, nor the Election adjourned to another Place or Part of the County, other than where the same begins, but shall continue from Day to Day till the Freeholders and Electors then and there present shall be polled and no longer. And when all the Electors then appearing shall have delivered in all their Papers or Names, the said Box shall be opened by the Sheriff, or some other of the Persons appointed by this Act to officiate as Judges of the said Elections, and the said Papers taken out in the Presence of the said Inspectors, and delivered one by one to the said Clerk or Clerks to enter the Names therein expressed in fair Columns, or otherwise, so that they shall cast up how many times each Person's Name is repeated in the same, and set it down; and shall then pronounce publickly to the People, him whose Name is oftenest mentioned in the said Papers to be first elected, and so the next highest Number successively until the whole eight Persons for the County be pronounced elected by Majority as aforesaid. And the same Method shall be used concerning the two Members to be elected for the City of *Philadelphia*. The Poll not to be delayed or adjourned. How to be cast up, *&c.*

BUT if, when the said Papers are opened, there appear more Names in any one of them, or more than one Paper deceitfully folded together, containing more Names than by this Act is allowed any one Elector to vote for, such Papers shall be rejected, and not accounted amongst the Votes. Deceitful Tickets to be rejected.

AND after the said Representatives are so chosen as aforesaid, their Names (be they present or absent) shall be written in a pair of Indentures, sealed between the said Sheriffs, or other Persons officiating as Judges of the said Elections, and six or more of the said Choosers. The Names of the Representatives to be written in Indentures. *&c.*

AND every Sheriff, or other Persons officiating as Judges of the said Elections, shall on the first Day of the Meeting of every Assembly, in Person, or by Deputy, present one Part of the said Indentures to the Governor for the time being, and the other Part thereof to the House of Representatives: Which said Indentures shall be deemed and taken to be the Sheriff's Return of the Representatives or Delegates of the Freemen of this Province, to serve and act in the Legislative or General Assemblies of the same Province from time to time. And the Representatives so as aforesaid chosen shall yield their Attendance accordingly. One of them for the Governor, and the other for the Assembly.

AND if any Person or Persons so chosen and returned to serve as aforesaid, shall be absent from the Service for which he or they shall be so elected, he or they shall forfeit any Sum not exceeding *Ten Pounds* current Money; the one Half thereof to the Governor, and the other Half to him or them that shall sue for the same in Manner aforesaid, unless his or their Excuse for such Absence shall be allowed of by the Assembly. Penalty on refusing to serve in Assembly.

AND if any Person so chosen and returned as aforesaid shall happen to die, or be wilfully absent, or by Vote of the House be disabled to sit or serve in Assembly, then and in every such Case the Secretary for the time being shall, by the Speaker's Order, issue out Writs to the respective Sheriffs of the Counties where there shall be Occasion for electing such new Members: But in case the Secretary shall delay the Making of such Writs for the Space of two Days, next after he has Notice of the Speaker's Order in that Behalf, it shall be lawful for the Speaker of the Assembly for the time being, to issue forth the said Writs, which shall be made in the Governor's Name, under the Hand and Seal of the Speaker; whereupon every Sheriff or other Officer, to whom such Writ or Writs are directed, shall indorse the Day of his Receipt thereof on the Back of the Writ, and with all convenient Speed, after he receives such Writ, shall cause publick Notice to be given of the Time and Place of Election, and proceed to elect thereupon in Manner aforesaid, within the Space of five Days after his Receipt of the said Writ, and give two Days Notice at least of the Day appointed for Election: Which Notice shall be given in Writing, and shall be proclaimed in the most publick Places of the capital Town or Place where such Election is to be, and the said Sheriff or other Officer shall cause Copies of such Notice or Advertisement to be posted upon some Tree or House in the Way leading from every Township or Precinct to the Town or Place where the said Election is to be, as also upon the Court-houses and publick fixed Meeting-houses for religious Worship in the said respective Counties. Vacancies to be supplied by a new Election, &c. and the Method of Proceeding in such Cases.

AND when those Elections are made by Virtue of the said Writs in Manner aforesaid, the Sheriff, or other Officer, who shall officiate as Judges of such Elections, shall write the Names of the Persons so elected in a Pair of Indentures, sealed, and presented one Part thereof to the Governor, and the other Part to the Assembly, on the Day of the Return of such Writs, which said Indentures shall be deemed and taken to be the Sheriff's Return of such Representatives.

ALL which said Elections shall begin between the Hours of Ten in the Morning, and Two in the Afternoon; and that no Person or Persons whatsoever, by Force of Arms, or Menacing, shall disturb the The Time of such Elections.

Freemen of this Province in the free Election of their ſaid Repreſentatives; but that the ſame Election ſhall be freely and indifferently made.

The Sheriff or Coroner to give Notice thereof.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Sheriff ſhall refuſe or neglect to give Notice of the ſaid Elections, by Writs, ſhall forfeit *One Hundred Pounds*, Money aforeſaid, one Half to the Governor, and the other Half to him that ſhall ſue for the ſame in Manner aforeſaid, AND upon ſuch Neglect or Refuſal, the Coroner of the reſpective County where the ſame ſhall happen, is hereby required, by himſelf or his Deputy, to officiate and perform all that the ſaid Sheriff or his Deputy ought to have done and performed at the ſaid Elections, according to the Tenor and Directions of this Act, under the Penalty of *Fifty Pounds*, to be recovered as aforeſaid, the one Half to the Governor, and the other Half to him that ſhall ſue for the ſame.

And make true Return

AND every Sheriff, or other Officer, not making good and true Returns of the ſaid Elections of Repreſentatives, or Members of Aſſembly, according to the Direction of this Act, or refuſing, or wilfully neglecting to do and perform what is hereby required to be done at and after the ſaid Elections, ſhall forfeit for every ſuch Offence the Sum of *One Hundred Pounds*, Money aforeſaid; one Half thereof to the Governor, and the other Moiety to him that will ſue for the ſame in Manner aforeſaid.

The Powers and Privileges of an Aſſembly confirmed.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Repreſentatives ſo choſen and met, according to the Direction of this Act, ſhall be the Aſſembly of this Province, and ſhall have Power to chuſe a Speaker and other their Officers, and ſhall be Judges of the Qualifications and Elections of their own Members, ſit upon their own Adjournments, appoint Committees, prepare Bills in order to paſs into Laws, impeach Criminals and redreſs Grievances, and ſhall have all other Powers and Privileges of an Aſſembly, according to the Rights of the freeborn Subjects of *England*, and as is uſual in any of the Queen's Plantations in *America*.

Two Thirds of the Members have the Power of a full Houſe

AND if any County or Part of this Province ſhall refuſe or neglect to chooſe their reſpective Repreſentatives as aforeſaid, or if choſen, do not meet to ſerve in Aſſembly, thoſe who are ſo choſen and met ſhall have the full Power of an Aſſembly in as ample Manner as if all the Repreſentatives had been choſen and met; *Provided*, they are not leſs than two Thirds of the Whole that ought to meet.

No Member to vote, &c. in the Houſe till qualified.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Perſon who ſhall be hereafter a Member of the Aſſembly, or Houſe of Repreſentatives of this Province, ſhall be capable to vote in the ſaid Houſe, or ſit there during any Debate, after their Speaker is choſen, until he ſhall make and ſubſcribe the following Declarations and Profeſſion of his Chriſtian Belief, *viz.*

The Qualification of every Member of Aſſembly. Altered by an Act paſs'd in the 11 Geo. I, entituled An Act preſcribing the Forms of Declaration of Fidelity, &c.

I A. B. *do ſincerely promiſe, and ſolemnly declare before* GOD *and the World, That I will be faithful and bear true Allegiance to Queen* Anne. *And I do ſolemnly profeſs and declare, That I do, from my Heart, abhor, deteſt and renounce, as impious and heretical, that damnable Doctrine and Poſition, That Princes excommunicated or deprived by the Pope, or any Authority of the See of* Rome, *may be depoſed or murdered by their Subjects, or any other whatſoever.*

AND I do declare, That no foreign Prince, Perſon, Prelate, State or Potentate hath, or ought to have, any Power, Juriſdiction, Superiority, Preheminence or Authority eccleſiaſtical or ſpiritual, within the Realm of England, *or the Dominions thereunto belonging.*

AND I A. B. *do ſolemnly and ſincerely, in the Preſence of* GOD, *profeſs, teſtify and declare, That I do believe that in the Sacrament of the* LORD's *Supper there is not any Tranſubſtantiation of the Elements of Bread and Wine into the Body and Blood of* CHRIST, *at or after the Conſecration thereof, by any Perſon whatſoever; and that the Invocation or Adoration of the Virgin* Mary, *or any other Saint, and the Sacrifice of the* Maſs, *as they are now uſed in the Church of* Rome, *are ſuperſtitious and Idolatrous.*

AND I do ſolemnly, in the Preſence of GOD, *profeſs, teſtify and declare, That I do make this Declaration and every Part thereof, in the plain and ordinary Senſe of the Words read unto me, as they are commonly underſtood by* Engliſh Proteſtants, *without any Evaſion, Equivocation or mental Reſervation whatſoever and without any Diſpenſation already granted me for this Purpoſe by the Pope, or any other Authority or Perſon whatſoever, or without any Hope of any ſuch Diſpenſation from any Perſon or Authority whatſoever, or without thinking I am or may be acquitted before* GOD, *or Man, or abſolved of this Declaration, or any Part thereof, although the Pope, or any other Perſon or Perſons, or Power whatſoever, ſhould diſpenſe with or annull the ſame, or declare that it was null or void from the Beginning.*

AND I A. B. *profeſs Faith in* GOD *the Father, and in* JESUS CHRIST, *his eternal Son, the true* GOD, *and in the* HOLY SPIRIT, *one* GOD, *bleſſed for evermore; and do acknowledge the* Holy Scriptures *of the* Old *and* New-Teſtament, *to be given by divine Inſpiration.*

How the ſame ſhall be made and when and where.

WHICH ſaid Declarations and Profeſſion of Faith ſhall be, in the next and every ſucceeding Aſſembly, to be held in this Province, ſolemnly and publickly made and ſubſcribed; betwixt the Hours of Nine in the Morning and Four in the Afternoon, by every ſuch Member of the Houſe of Repreſentatives, at the Table, in the Middle of their Houſe, and while a full Houſe of Repreſentatives is there ſitting with their Speaker in his Chair; and during the Making and Subſcribing thereof, all Buſineſs and Debates in the ſaid Houſe ſhall ceaſe.

And ſhall be recorded by the Clerk of the Aſſembly.

AND the Clerk of the Aſſembly is hereby required to record the ſame in Rolls or Books prepared for that Purpoſe; and every Member of Aſſembly ſhall pay the Clerk for recording thereof *Five Pence*, and no more. And that the Manner and Method of making the ſaid Declarations ſhall be as followeth, *to wit*, the Speaker ſhall firſt read and ſubſcribe the ſame, and after him every Member, as he is called over, ſhall either read and ſubſcribe the ſaid Declarations, or elſe ſubſcribe them as they ſhall be read unto him by the Clerk of the Aſſembly.

AND

AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Person whatsoever, who at any time shall be elected Member of Assembly in this Province, and who shall make, and be willing and offer to make and subscribe the said Declarations in Manner and Form aforesaid, shall be rejected or denied to sit, debate and act in the House of Representatives or General Assembly of this Province. No Member shall be denied to sit, &c. that makes and subscribes the same.

PROVIDED NEVERTHELESS, That nothing herein contained shall extend to debar or hinder the House of Representatives to reject such Persons as are or shall be unduly elected Members to serve in Assembly, or such as the Assembly, or major Part of them shall see cause from time to time, by Vote, to expel, or disable to sit or serve there, by reason of ill Practice in Elections, or Misbehaviour in the House. Exept such as shall be unduly elected, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That every Member chosen, or to be chosen, to serve in Assembly as aforesaid, shall be allowed the Sum of *Six Shillings per* Day, and the Speaker *Ten Shillings per* Day, during his and their Attendance in the Service thereof; and that every Member of Assembly shall be allowed towards his travelling Charges after the Rate of *Three Pence* a Mile coming to and going from the Place where the Assembly is or shall be held. Assemblymens Wages

Recorded A, Vol. 1. p. 176.

CXXIV. *An* ACT *for selling Beer and Ale by Wine-Measure.*

WHEREAS by a Law of this Province *for Regulating the Dimensions of Casks*, &c. it is enacted, amongst other Things, That a Barrel shall contain Thirty-one Gallons Wine Measure. And whereas by another Law of this Province, *for Regulating of Weights and Measures*, it is, amongst other Things enacted, That none shall sell Beer or Ale by retail, but by Beer-Measure, according to the Standard of *England*; by reason whereof the Retailers of Beer and Ale are obliged to sell the same by far greater Measure than they buy it: For Remedy whereof, BE IT ENACTED by JOHN EVANS Esq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Esq; absolute Proprietary and Governor in chief of the Province of *Pennsylvania* and Territories, by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That from and after the Publication of this Act, all Persons which now are or which at any time or times hereafter shall be licenced to keep any Tavern, Inn, Ale-house or Victualing-House within this Province, shall sell Beer and Ale by Wine-Measure to all Persons as drink it in their Houses, and by Beer-Measure to all such Persons as carry the same out of their Houses, under the Penalty of *Ten Shillings*, to the Use of the Poor, for every County where the Offence is committed, any Law, Custom or Usage to the Contrary in any wise notwithstanding. Taverns to sell Beer or Ale by Wine-Measure in their Houses, and Beer-Measure out of Doors,

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforesaid, That the above recited Law, entituled, *An Act for regulating Weights and Measures*, and every Part and Proviso therein contained, except the last Clause thereof, relating to selling Beer and Ale by Beer-Measure, shall be and remain in full Force, any thing herein contained to the Contrary notwithstanding.

Recorded A, Vol. 1. p. 184.

CXXV. *An* ACT *for the more easy and effectual Collecting of the Proprietary's Quit-Rents.*

WHEREAS since the first Location of Lands in this Province, the Quit-Rents reserved upon the several Grants, as well before the Date of the Royal Charter to the Proprietary as since, have been very irregularly and uncertainly collected, not only to the great Loss of the Proprietor himself, who has thereby been kept out of his just Rights, but also to the great Inconveniency of the Freeholders, by having no certain and exact Accounts of their Quit-Rents kept; and being suffered, upon their Negligence, to run so far in Arrears, that the Payment of what would be easy yearly, becomes more grievous and burthensome when to be paid in one Sum. And further, that upon the Transferring of Lands incumbred with Quit-Rents, the whole Arrears often become an intire Loss to the Purchaser. For Remedy whereof, BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Esq; absolute Proprietary and Governor in chief, of the Province of *Pennsylvania*, and Territories, by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That there shall be always in this Province a Receiver-General appointed by the Proprietary, his Heirs and Assigns, or (upon Failure thereof, or in case of Death or Removal) by those that represent the Proprietor, his Heirs or Assigns in this Province, in Matters of Property, who shall hold an Office, which shall be called the Receiver-General's Office for *Pennsylvania*; and either by himself or sufficient Deputies, or other Persons appointed by the Proprietary, his Heirs or Assigns, or such as do or shall represent him or them in Matters of Property as aforesaid, by Commissions or Deputations, (which with the present Receiver-General's Commission, and his Deputations to the several Collectors of Quit-rents, shall be recorded in the Office of Inrolment in each County of this Province,) shall sit on some certain Day or Days in the first Month, called *March*, yearly, at such Place or Places in the respective Counties as is by the Proprietor's Patents appointed, of which Time and Place ten Days Notice shall be, by the respective Receiver, given and published, by affixing Notes or Advertisements in Writing upon the Doors of the publick Meeting-House for religious Worship in each County; and then and there receive all Quit-rents due for such Lands in each County from all and every the Freeholders and others that possess and claim the same, who Preamble. The Receiver General's Office established. The Officer to attend in March, yearly, in each County, and give ten Days Notice thereof.

who ſhall purſuant to their Tenures, be hereby obliged, at ſuch Time and Place, to appear in Perſon, or by their Friends, and pay their Arrears of Rent. And the ſaid ſeveral Payments ſhall be duly entered in a fair Roll, made and kept for every County, with each Townſhip in every County, and all the Lands therein, according to the ſaid Patents, in diſtinct Entries; which ſhall be ſubjected to the View of every Perſon, as far as they relate to any particular Tract that ſuch Perſon is or may be in any wiſe concerned, either in his own Right, or for or in the Right of others.

And ſhall enter the ſeveral Payments.

AND in Caſe any Perſon, who ſo holds and claims any Lands or Lots in this Province, ſhall neglect to appear as aforeſaid and pay their Quit-rents (Notice being given as aforeſaid) the Receiver or Collector may levy the ſame by Diſtreſs, according as the Law of *England* impowers and directs to diſtrain for Rents. And if no Diſtreſs can be found, the Proprietary, his Heirs or Aſſigns, may ſue for the Rent or Arrearages thereof in an Action of Debt at the reſpective County Court, and ſhall recover the ſame as any other Debt may be recovered by the Laws of this Government.

On Refuſal of Payment may levy the ſame by Diſtreſs.

PROVIDED ALWAYS, That no ſuch Action, if the Defendant fail of fully anſwering the Debt, ſhall afterwards be a Bar to the Proprietary, his Heirs or Aſſigns, againſt recovering the ſame Arrears that were ſued for, of the Land or Lots from whence they accrued, by all ſuch lawful Means as might be done if ſuch Action had not been commenced.

BUT where any Perſon holding Lands of the Proprietary is not by Patent, Deed or Contract obliged to pay his Rent at any certain Place, and after ſuch Notice of Time and Place given by the Receiver or Collector as aforeſaid, refuſes to pay the ſame accordingly, it ſhall be lawful for ſuch Receiver or Collector to diſtrain for the Rent due before ſuch Demand; or for Want of Diſtreſs the ſame ſhall be ſued for as aforeſaid.

Saving all lawful Remedies.

SAVING to all Perſons that ſhall be wrongfully diſtrained upon or ſued by Colour of this Act, all their legal Pleas and Remedies preſcribed or allowed in ſuch Caſes by the Laws of *England*.

Rents payable in Wheat regulated.

PROVIDED ALWAYS, AND IT IS HEREBY ENACTED, That every Renter who is by Patent or Contract to pay his Rent in Wheat, ſhall deliver the ſame in good merchantable Wheat into ſome convenient Mill within a Mile of any navigable Water, which may beſt ſuit the ſaid Renter; and the Miller's Receipt for the ſame being produced to the Receiver or Collector, ſhall be accounted and taken as ſufficient Payment for ſo much as ſhall be therein mentioned, and the Renter ſhall be diſcharged thereupon accordingly.

Arrears of Rent not to be diſtrained for till ſix Months after Notice given, &c. Where Receipts cannot be found the Accounts of the Receivers, &c. ſhall be allowed by the Receiver General.

PROVIDED ALSO, That no Perſon ſhall be diſtrained upon or ſued for any Rent, or Arrears of Rent heretofore due, until ſix Months be expired after the firſt Demand thereof ſhall be made, or Notice given as aforeſaid, to the End that every one may have Time to provide his Receipts and Proofs of Payments if any be made; and for that Purpoſe he ſhall have free Recourſe to all Rent-rolls, Books and Accounts of all the Receivers or Collectors of Quit-rents that can be found, to make out the Payments where Receipts cannot be produced: Which ſaid Receivers and Collectors, their Executors and Adminiſtrators, ſhall and are hereby required, before the Twenty-fourth Day of the Month called *June*, in the Year of our Lord One Thouſand Seven Hundred and Six, to bring into the Receiver General's Office, at *Philadelphia*, all the Accounts of Rents gathered, received or had by the ſaid reſpective Receivers or Collectors, or by their Order, or true Copies of ſuch Accounts not already brought in; and if any Rents be thereby diſcovered, or otherwiſe made appear to be paid, or ſecured by Obligation, or other Specialty for that Purpoſe, the ſame ſhall be allowed by the Receiver General or his Deputy for the time being, or by ſuch other Perſon as ſhall be appointed to collect the Proprietary's Rents as aforeſaid.

No Proof appearing, and the Party declare the Sum paid, &c. the Cauſe to be tried by a Jury.

PROVIDED ALSO, That where Receipts cannot be produced nor any apparent Credit in or by any of the ſaid Receivers Rolls, Books or Accounts, or no other Proof can be made of the Payment of the Rents, or Arrears of Rents heretofore due, to the Satisfaction of ſuch Receiver or Collector, and yet the Party declares the ſame is paid or ſecured as aforeſaid in Part or in all; then and in ſuch Caſes, the Receiver or Officer ſhall not make Diſtreſs for ſuch Rents or Arrears, but may ſue for the ſame; and the Tenant or Debtor ſhall be allowed to give his own Affirmation, backed with probable Circumſtances, or Proof of others, in Evidence to the Jury, for his Diſcharge; and if ſuch Evidence be not to the Satisfaction of the Jury, they ſhall find for the Plaintiff.

PROVIDED ALSO, That every Obligation or Specialty which hath been or ſhall be given for Arrears of Quit-rent, ſhall diſcharge the Obligors of ſo much thereof, and be a Bar to any Action or Avowry for the ſame.

The Rent firſt reſerved ſhall be apportioned on the Diviſion of Lands, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That none of the ſaid Quit-rents ſhall be multiplied, but the Rent or Sum firſt reſerved ſhall be apportioned; and no Perſon after he has given the Receiver or Collector a due Account of what Land he has alienated, and the ſame is entered in the Roll as is herein after directed, ſhall be charged, diſtrained or ſued for any more of the ſaid Quit-rents than what ſhall be really due, or ought of Right to be required and had, for the Quantity of Ground or Number of Acres which he or ſhe reſpectively holds. And no Perſon ſhall be charged or obliged to pay any Quit-rents for ſuch Parts of his or her Lands or Lots as he or ſhe ſhall have alienated or conveyed to another who reſides upon any Lands adjoining, upon the Account of which he or ſhe was before entered in the Rent-Roll, after ſuch Time as the ſaid Alienation is entered into the ſaid Roll, which the Receiver or Officer, upon due Notice had thereof, is hereby required to do.

Limitation of the Proportions of Rents.

PROVIDED ALWAS, That no Proportions or Parts of Quit-rents for Lots or Lands ſold or alienated after the Twenty-fifth Day of the Month called *March*, in the Year One Thouſand Seven Hundred and

and Six, ſhall be leſs than *Twelve-pence Sterling* for new Renters, and one Buſhel of Wheat for old Renters, and upon Alienations before the ſaid Twenty-fifth Day of *March*, the Receiver or his Deputies ſhall not be obliged to receive for any Part or Parcel of Lots or Lands leſs than *Three-pence Sterling* yearly, or one Peck of Wheat. And the Receiver, or his Deputies, are hereby required to enter into the reſpective Rolls every ſuch Alienation as aforeſaid; for which the under Purchaſer who ſhall be ſo entered, ſhall pay *One Shilling*.

The Receiver to enter into his Rent-rolls every Alienation.

AND WHEREAS divers Perſons who are not reſident in this Province, have procured their Lands to be located, where the ſame, by the Settlement of the neighbouring Inhabitants are greatly improved in Value, and yet have not paid Quit-rents nor publick Charges for want of ſome Perſon on the Place to anſwer for them, BE IT THEREFORE ENACTED by the Authority aforeſaid, That from and after the Twenty-fifth Day of the Month called *March*, which ſhall be in the Year One Thouſand Seven Hundred and Eight, where any Tracts of Lands or Lots ſhall be in Arrears for the Quit-rents yearly ariſing thereupon, or for the Provincial or County Rates aſſeſſed, or to be aſſeſſed, or made payable for the ſame, it ſhall be lawful for the Clerk of the County where ſuch Lands lie, in the Name of the Proprietor, to ſue ſuch Non-reſident in the reſpective County Court, as well for the Arrears of Quit-rents as Taxes unpaid for the Space of three Years, or more next before ſuch Suit; and if the Defendant doth not, by himſelf or any other, appear to defend ſuch Suit, and pay the ſaid Arrears of Quit-rents and Taxes, Judgment ſhall be given againſt the Defendant, and Execution ſhall be awarded, to be levied on ſo much of the ſaid Lands as ſhall ſatisfy the Judgment, in the ſame Manner as other Lands, by the Laws of this Province, are to be taken and ſold upon Execution for the Payment of Debts, and ſo much of the Money raiſed by ſuch Sale as ſhall be due for Quit-rents, ſhall be by the Sheriff paid to the Proprietor or his Receiver: and what ſhall be due for Taxes ſhall be paid to the Provincial or County Treaſurer reſpectively.

Lands, &c. in Arrears for three Years Quit-rents, or County Levies, may be levied on in Manner as other Lands, &c. for Payment of Debts.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That it ſhall and may be lawful for the Juſtices of each County in this Province to grant Writs of Replevin in all Caſes whatſoever where Replevins may be granted by the Laws of *England*, taking Security as the ſaid Law directs, and make them returnable to the reſpective Courts of Common-Pleas in the proper County, there to be determined according to Law.

Writs of Replevin grantable.

Recorded A, Vol. 1. p. 185.

CXXVI. *An* ACT *about Departers out of this Province.*

BE IT ENACTED by *JOHN EVANS*, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief of the Province of *Pennſylvania* and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That every Perſon intending to depart or leave this Province ſhall publiſh his or her Intentions in Writing, under one Juſtices Hand, affixed on the Door of the County Court-houſe where he or ſhe inhabits, thirty Days before his or her Departure: And ſhall have a Paſs under the Province or County Seal. And if any Maſter of Ship or Veſſel, ſhall preſum to convey or tranſport any Perſon inhabiting in this Province out of this Government without ſuch Paſs, ſuch Maſter or other Perſon ſhall pay all Damages that ſhall happen thereby.

Recorded A, Vol 1. p. 189

CXXVII. *An* ACT *for the better Improving a good Correſpondence with the Indians.* Expired.

Recorded A, Vol. 1. p. 190.

CXXVIII. *An* ACT *about Attachments.*

WHEREAS the Laws of this Government have hitherto been deficient in reſpect of Attachments, (ſo that the Effects of Perſons abſenting are not equally liable with thoſe of Perſons dwelling upon the Spot, to make Reſtitution for Debts contracted or owing within this Province) to the great Injury of the Inhabitants thereof, and Encouragement of ſuch unworthy Perſons as frequently, by Abſconding, make an Advantage of the Defect aforeſaid: To prevent which Inconveniency, BE IT ENACTED by JOHN EVANS, Eſq; by the Queen's Royal Approbation Lieutenant Governor, under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief of the Province of *Pennſylvania* and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That the Juſtices of the reſpective County Courts within this Province ſhall, and are hereby impowered to grant Writs of Attachment; which Attachments ſo granted ſhall be duly ſerved by the reſpective Sheriffs or Coroners, as the Caſe may require, upon the Goods and Chattels of ſuch Perſon or Perſons againſt whom the ſame ſhall be awarded, in whoſe Hands or Poſſeſſion the ſame ſhall be found, returnable to the next ſucceeding Court reſpectively, where the Party may proceed to Trial, and ſhall have Judgment granted the third Court after the Effects are ſeized.

Preamble.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Perſon or Perſons whoſe Goods or Effects are ſo attached, ſhall be *Defendant* in the Attachment; and the Perſon in whoſe Hands or Poſſeſſion the ſame Goods or Effects are attached ſhall be called *the Garniſhee*, and ſhall be obliged to appear in Court at the Return of the Attachment, and anſwer what ſhall be objected againſt him, and abide the Judgment of Court, and ſhall be allowed, out of the Effects attached, reaſonable Satisfaction for his Attendance. And that the Manner of Executing Writs

Proceedings on Attachment, rectified by 9 G. I. and by 26 Geo. II. Vol. 2. P. 49.

ſhall be by the Officers going to the Houſe, or to the Perſon in whoſe Hands or Poſſeſſion the Defendant's Goods or Effects are ſuppoſed to be, and then and there declare, in the Preſence of one or more credible Perſons of the Neighbourhood, *That he attacheth the ſame Goods or other Effects:* From and after which Declaration the Goods, Money or Effects ſo attached, ſhall remain in the Officer's Power, and be by him ſecured, in order to anſwer and abide the Judgment of Court in that Caſe, unleſs the Garniſhee will give Security therefor. And if the Plaintiff in the Attachment obtain a Verdict, Judgment and Execution for the Money and Goods in the Garniſhee's Poſſeſſion; yet the Defendant, in the Attachment, may, at any time before the Money be paid, put in Bail to the Plaintiff's Action, upon which the Attachment is grounded; whereby the Garniſhee will and ſhall be immediately diſcharged. And if an Attachment ſhall be made for Goods or Effects, and the Garniſhee plead he had no Goods or Effects in his Hands at the time of the Attachment, or at any time after, and the Plaintiff prove the Contrary, the Jury in ſuch Caſe being ſatisfied that the Proof is plain and full, ſhall find for the Plaintiff, and ſay what Goods or Effects they find in the Garniſhee's Hands; whereupon Judgment ſhall be entered, that Appraiſement may be made of the ſaid Goods or Effects ſo found by the Jury, and a Precept ſhall be granted requiring the Sheriff to get the ſame appraiſed; and if the Garniſhee will not produce them, then Execution ſhall be forthwith awarded for the Value thereof according to Appraiſement; to be levied upon the Lands Tenements, Goods and Chattels of the Garniſhee.

Attachments againſt Reſidents when to be granted.

PROVIDED ALWAYS, That no Writ of Attachment ſhall hereafter be granted againſt any Perſon or Perſons Effects, but ſuch only as at the time of Granting ſuch Writs are not reſident or reſiding within this Province, or are about to remove or make their Eſcape out of the ſame, and ſhall refuſe to give ſufficient Security to the Complainant for his Debt or other Demand before he depart the ſaid Province.

PROVIDED ALSO, That after Judgment obtained by the Plaintiff upon any Attachments againſt Non-Reſidents, the Plaintiff ſhall before Sale, and after Execution is awarded, find Security, who ſhall undertake for the Plaintiff, *That if the Defendant in the Attachment ſhall, within a Year and a Day next following, by himſelf or Attorney, come into Court and diſprove or avoid the Debt recovered by the Plaintiff againſt him, or ſhall diſcharge the ſame, with Coſts, that then the Plaintiff ſhall reſtore to the Defendant the Goods or Effects, or Value thereof, by the Plaintiff attached and condemned, or ſo much thereof as ſhall be diſproved or diſcharged, or elſe that they ſhall and will do it for him.*

Recorded A, Vol. 1. p. 191.

CXXIX. *An* ACT *for the Trial of Negroes.*

WHEREAS ſome Difficulties have ariſen within this Province, about the Manner of Trial and Puniſhment of Negroes committing Murder, Manſlaughter, Buggery, Burglary, Rapes, Attempts of Rapes, and other high and heinious Enormities and capital Offences: For Remedy thereof, and for the ſpeedy Trial and condign Puniſhment of ſuch Negroe or Negroes offending as aforeſaid, BE IT ENACTED by JOHN EVANS, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief, of the Province of *Pennſylvania* and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That it ſhall and may be lawful for two Juſtices of the Peace of this Province, who ſhall be particularly commiſſionated by the Governor for that Service, within the reſpective Counties thereof, and ſix of the moſt ſubſtantial Freeholders of the Neighbourhood, to hear, examine, try and determine all ſuch Offences committed by any Negroe or Negroes within this Province: Which ſaid Freeholders ſhall be by Warrant under the Hands and Seals of the reſpective Juſtices commiſſionated as aforeſaid, directed to the next Conſtable, ſummoned to appear at ſuch Time and Place as the ſaid Juſtices ſhall therein appoint: Which Freeholders the ſaid Juſtices ſhall ſolemnly atteſt, *Well and truly to give their Aſſiſtance and Judgment upon the Trial of ſuch Negroe or Negroes*: Who ſhall hold a Court for the Hearing, Trying, Judging, Determining and Convicting of ſuch Negroe or Negroes as ſhall be before them charged or accuſed of committing any Murder, Manſlaughter, Buggery, Burglary, Rapes, Attempts of Rapes, or any other high or heineous Offence committed, acted or done in any of the reſpective Counties within this Province as aforeſaid.

Two Juſtices commiſſionated by the Governor, with the Aſſiſtance of ſix Freeholders, to try Negroes for capital Offences.

Power, of that Court.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That upon the Holding of ſuch Court by the ſaid Juſtices and Freeholders as aforeſaid, it ſhall and may be lawful for the ſaid Juſtices and Freeholders to examine, try, hear, judge, determine, convict, acquit or condemn, according to Evidence and full Proof, any Negroe or Negroes, for any the Crimes or Offences aforeſaid, or any other high or capital Offence; and upon due Proof and Conviction, to pronounce ſuch Judgment or Sentence in the Premiſes, as is agreeable to Law and the Nature of the Offence; or otherwiſe to acquit, free and diſcharge ſuch Negroe or Negroes, in Caſe the Evidence ſhall not be ſufficient for a Conviction therein.

The Sheriff to execute their Judgments.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That where ſuch Negroe or Negroes ſhall be convict, and Judgment or Sentence ſhall be pronounced by the reſpective Juſtices and Freeholders as aforeſaid, and a Warrant by them ſigned and ſealed, to be directed to the High-Sheriff of the County where the Fact was committed or tried, for the Execution of ſuch Negroe or Negroes, the ſame ſhall be duly executed, or cauſed to be duly executed by the ſaid Sheriff, on Pain of being diſabled to act any longer in that Poſt or Office.

Penalty on Juſtices and Freeholders neglecting.

AND if any of the ſaid Juſtices or Freeholders neglect or delay to do their Duty therein, they ſhall be liable to be fined by the Governor and Council, in any Sum not exceeding *Five Pounds*, to be levied by Diſtreſs and Sale of the Goods and Chattles of ſuch Juſtices or Freeholders ſo refuſing as aforeſaid.

AND

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That if any Negroe or Negroes within this Province ſhall commit a Rape or Raviſhment, upon any white Woman or Maid, or ſhall commit Murder, Buggery or Burglary, they ſhall be tried as aforeſaid, and ſhall be puniſhed by Death. And for an Attempt of Rape or Raviſhment on any white Woman or Maid, and for Robbing, Stealing, or fraudulently taking and carrying away any Goods, living or dead, above the Value of *Five Pounds*, every Negroe, upon Conviction of any of the ſaid Crimes, ſhall be whipped with Thirty-nine Laſhes, and branded on the Forehead, with the Letter (R) or (T) and exported out of this Province by the Maſter or Owner, within ſix Months after Conviction, never to return into the ſame, upon Pain of Death, and ſhall be kept in Priſon till Exportation, at their Maſters or Owners, or their own Charge. And for robbing or ſtealing any Goods as aforeſaid, under the Value of *Five Pounds*, every Negroe, upon Conviction thereof, ſhall be whipped at the Diſcretion of the Juſtices, with any Number of Laſhes not exceeding Thirty-nine; and the Maſter or Owner of ſuch Negroe ſhall make Satisfaction to the Party wronged for the Value, and pay all Coſts; to be levied by Diſtreſs and Sale of the ſaid Maſter's or Owner's Goods, if he or they refuſe or delay to anſwer it otherwiſe. Puniſhments of ſeveral Offences.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Negroe ſhall preſume to carry any Gun, Sword, Piſtol, Fowling-piece, Clubs or other Arms or Weapons whatſoever, without his Maſter's ſpecial Licence for the ſame, and be convicted thereof before a Magiſtrate, he ſhall be whipped with Twenty one Lashes on his bare Back. Negroes not to carry Guns, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That for the preventing Negroes meeting and accompanying together upon firſt Days of the Weeks, or any other Day or Time in great Companies or Numbers, that if any Perſon or Perſons give Notice thereof, and to whom they reſpectively belong, to any Juſtice of the Peace within this Province, the ſame being above the Number of four in Company, and upon no lawful Buſineſs of their Maſter's or Owner's, ſuch Negroes ſo offending ſhall be publickly whipped at the Diſcretion of one Juſtice of the Peace, not exceeding Thirty-nine Lashes. not to meet above four in Company.

Recorded A, Vol. 1. 193.

CXXX. *An* ACT *to prevent the Importation of Indian Slaves.*

WHEREAS the Importation of Indian Slaves from *Carolina*, or other Places, hath been obſerved to give the Indians of this Province ſome Umbrage for Suſpicion and Diſſatisfaction, BE IT ENACTED by *JOHN EVANS*, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief of the Province of *Pennſylvania* and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That if after the Twenty fifth Day of *March*, in the Year *One Thouſand Seven Hundred and Six*, any Perſon ſhall import, or cauſe to be imported, any Indian Slaves or Servants whatſoever, from any Province or Colony in *America* into this Province, by Land or Water, ſuch only and their Childern (if any) excepted, as for the Space of one Year before ſuch Importation, ſhall be proved to have been menial Servants in the Family of the Importer, and are brought in together with the Importer's Family; every ſuch Slave or Servant ſo here landed ſhall be forfeited to the Government, and ſhall be either ſet at Liberty or otherwiſe diſpoſed of as the Governor and Council ſhall ſee Cauſe.

PROVIDED ALWAYS, That no ſuch Indian Slave as deſerting his Maſter's Service elſewhere (that ſhall fly into this Province) ſhall be underſtood or be conſtrued to be comprehended within this Act.

Recorded A, Vol. 1. p 195.

CXXXI. *The* LAW *about ſeven Years quiet Poſſeſſion.*

BE IT ENACTED by JOHN EVANS, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief of the Province of *Pennſylvania* and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That ſeven Years quiet Poſſeſſion of Lands within this Province which were firſt entered on upon an equitable Right, ſhall forever give an unqueſtionable Title to the ſame againſt all, during the Eſtate whereof they are or ſhall be poſſeſſed, except in Caſes of Infants, married Women, Lunaticks, and Perſons not reſiding within this Province and Territories.

Recorded A, Vol. 1. p. 195.

CXXXII. *An* ACT *for the Killing of Wolves.*

FOR preventing the Deſtruction of Sheep and Cattle by Wolves, BE IT ENACTED by *JOHN EVANS*, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Govetnor in chief of the Province of *Pennſylvania* and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That if any Perſon within this Province ſhall kill a Dog-wolf, he ſhall have *Ten Shillings*; and if a Bitch-wolf, *Fifteen Shillings*; to be paid out of the County Stock: *Provided* ſuch Perſon brings the Wolf's Head to one of the Juſtices of the Peace of that County, who is to cauſe the Ears and Tongue of the ſaid Wolf to be cut off: And that the Indians, as well as others, ſhall be paid for killing of Wolves accordingly. Altered by the County Levy Act.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all and every Perſon or Perſons, who are willing to make it their Buſineſs to kill Wolves, and ſhall enter into Recognizance before two or more Juſtices of the Peace of the reſpective Counties where he or they dwell, with ſufficient Encouragment for ſuch as make it their ſole Work to kill Wolves.

ſufficient Security, in the Sum of *Five Pounds*, That he or they ſhall and will make it his or their ſole Buſineſs, at leaſt three Days in every Week, to catch Wolves, ſhall have *Twenty-five Shillings* for every Wolf, Dog or Bitch, that he or they ſhall ſo catch and kill within the Time mentioned in the ſaid Recognizance; to be paid out of the County Levies where the Wolves are taken as aforeſaid.

Recorded, A, Vol. 1. p. 196.

CXXXIII. *An* ACT *againſt mixing and adulterating ſtrong Liquors.*

FOR the preventing of Fraud in mixing and adulterating Rum, Brandy, or ſuch like Spirits, BE IT ENACTED by *JOHN EVANS*, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief of the Province of *Pennſylvania* and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That if any Perſon within this Province ſhall preſume to ſell Rum, Brandy, or ſuch like Spirits, that is adulterated or mixed with Water or any other Liquor, knowing the ſame to be ſo adulterated or mixed, being convict thereof, by one more credible Witneſſes, he or ſhe ſhall, for every ſuch Offence, forfeit the ſaid Rum, Brandy or Spirits to be expoſed to Sale, and pay treble the Value thereof; one Moiety to the Support of Government, and the other Moiety or Half to him that ſhall diſcover and proſecute the ſame.

Recorded A, Vol. 1. p. 196.

CXXXIV. *An* ACT *for Mariners not to be truſted.*

TO the End that no Mariners ſhall be arreſted to hinder their Voyage in any Ship or other Veſſel to which they belong, bound out to Sea, BE IT ENACTED by JOHN EVANS, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief, of the Province of *Pennſylvania*, and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That no Perſon, Ordinary-keepers or others, within this Province, ſhall truſt any Mariner belonging to any Veſſel above *Five Shillings*, unleſs the Maſter of the Ship or Veſſel to whom ſuch Mariner belongs engage for the ſame, upon the Penalty of loſing what they ſo truſt, and of the Sum of *Five Pounds*, over and above, for each Offence; one Moiety thereof to the Maſter or Merchant injured, and the other to the Governor; and ſhall further forfeit their Licence; except ſuch Mariner have Goods on board the ſaid Veſſel, or otherways to anſwer the ſame.

Mariners not to be truſted above 5 s.

Recorded A, Vol. 1. p. 197.

CXXXV. *An* ACT *for County Seals, and againſt counterfeiting Hands and Seals.*

BE IT ENACTED by JOHN EVANS, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief, of the Province of *Pennſylvania*, and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That there ſhall be a County Seal in every County of this Province, for the Uſe of each County; and if any Perſon within the ſaid Province ſhall be convicted of counterfeiting the Hand or Seal of another, with Intent to defraud ſuch Perſon, ſhall ſuffer three Months Impriſonment at hard Labour, and be fined treble the Value he or ſhe ſhall have defrauded, or attempted to have defrauded thereby, to the Uſe of the Party wronged. AND whoſoever ſhall counterfeit the Privy or Broad Seal of the ſaid Province, being convicted thereof, ſhall ſuffer ſeven Years Impriſonment as aforeſaid, and be fined at the Diſcretion of the Court where ſuch Party ſhall be convicted, in any Sum not exceeding *One Hundred Pounds*, to the Support of Government.

The Penalty on counterfeiting Hand or Seal.

Or the Privy or Broad Seal.

Recorded A, Vol. 1. p. 197.

CXXXVI. *An* ACT *for Defalcation.*

BE IT ENACTED by JOHN EVANS, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; true and abſolute Proprietary and Governor in chief, of the Province of *Pennſylvania*, and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That if two or more dealing together be indebted to each other upon Bonds, Bills, Bargains, Promiſes, Accounts or the like, and one of them commence an Action in any Court of this Province, if the Defendant cannot gainſay the Deed, Bargain or Aſſumption upon which he is ſued, it ſhall be lawful for ſuch Defendant to plead Payment of all or Part of the Debt or Sum demanded, and give any Bond, Bill, Receipt, Account or Bargain in Evidence; and if it ſhall appear that the Defendant hath fully paid or ſatisfied the Debt or Sum demanded, the Jury ſhall find for the Defendant, and Judgment ſhall be entered, that the Plaintiff ſhall take nothing by his Writ, and ſhall pay the Coſts. And if it ſhall appear that any Part of the Sum demanded be paid, then ſo much as is found to be paid ſhall be defaulked, and the Plaintiff ſhall have Judgment for the Reſidue only, with Coſts of Suit. But if it appear to the Jury that the Plaintiff is overpaid, then they ſhall give in their Verdict for the Defendant, and withal certify to the Court how much they find the Plaintiff to be indebted or in Arrear to the Defendant more than will anſwer the Debt or Sum demanded, and the Sum or Sums ſo certified ſhall be recorded with the Verdict, and ſhall be deemed as a Debt

Perſons ſued upon Bond, Bill, &c may plead Payment of Part or the whole Debt, and give their Accounts againſt the Plaintiff in Evidence.

Proceedings on ſuch Suit.

Debt of Record; and if the Plaintiff refuse to pay the same, the Defendant, for Recovery thereof, shall have a *Scire facias* against the Plaintiff in the said Action, and have Execution for the same, with the Costs of that Action.

PROVIDED ALWAYS, That in all Cases where a Tender shall be made, and full Payment offered by Discount or otherwise in such Specie as the Party by Contract or Agreement ought to do; and the Party to whom such Tender shall be made doth refuse the same, and yet afterward will sue for the Debt or Goods so tendered, the Plaintiff shall not recover any Cost in such Suit.

Where a Tender is made, and the Party refuses, and afterwards sues, he shall recover no Costs.

PROVIDED ALSO, That in all Cases where the Plaintiff and Defendant having Accounts to produce one against another, shall, by themselves, or Attornies or Agents, consent to a Rule of Court, for Referring the Adjustment thereof to certain Persons, mutually chosen by them in open Court, the Award or Report of such Referees being made according to the Submission of the Parties, and approved of by the Court, and entered upon the Record or Roll, shall have the same Effect, and shall be deemed and taken to be as available in Law as a Verdict given by twelve Men; and the Party to whom any Sum or Sums of Money are thereby awarded to be paid, shall have Judgment, or a *Scire facias*, for the Recovery thereof, as the Case may require, and as is herein before directed concerning Sums found and settled by a Jury: any Law or Usage to the Contray of this Act in any wise notwithstanding.

The Award of Referrees chosen in Court, by Consent of the Parties, shall have the same Effect as a Verdict.

Recorded A, Vol. 1. p. 197.

CXXXVII. *An* A C T *for Bailing of Prisoners, and about Imprisonment.*

BE IT ENACTED by JOHN EVANS Esq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Esq; absolute Proprietary and Governor in chief, of the Province of *Pennsylvania*, and Territories, by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That all Prisoners shall be bailable by one or more sufficient Sureties, to be taken by one or more of the Judges or Justices that have Cognizance of the Fact, unless for such Offences as are or shall be made Felonies of Death by the Laws of this Province. And, at least every half Year, there shall be a Goal-Delivery in every County of this Province, where Imprisonment is not the Punishment: And that Goalers shall not oppress their Prisoners; and that all Prisoners shall be free as to Room; and all Prisoners shall have Liberty to provide themselves with Bedding, Food and other Necessaries during their Imprisonment. And that the publick Allowance shall be *Two pence per* Day, and no more. And that the respective Prisons shall be Work-houses (until others are provided) for Felons, Thieves, Vagrants and loose and idle Persons; whereof one shall be in each respective County of this Province. And that no Person or Persons shall be obliged to answer to any Indictment or Presentment, unless the Prosecutor's Name be inserted thereon. And if any Person or Persons shall be imprisoned or prosecuted without probable Cause, he, she, or they shall have double Damages against the Informer or Prosecutor; to be recovered by an Action at common Law.

All Persons bailable, except for Felonies of Death.

The Liberty of Prisoners, and their Allowance.

Recorded A. Vol. 1. p. 199.

CXXXVIII. *An* A C T *for taking Lands in Execution for Payment of Debts.*

Vide 13 Geo. I. and 19 Geo. II. Vol. 2. p. 39.

TO the End that no Creditors may be defrauded of their just Debts due to them from Persons who have sufficient real if not personal Estates to satisfy the same, BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Esq; true and absolute Proprietary and Governor in chief, of the Province of *Pennsylvania*, and Territories, by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That all such Lands, Tenements and Hereditaments whatsoever, within this Province, where no sufficient personal Estate can be found, shall be liable to be seized and sold, upon Judgment and Execution obtained.

Lands, &c. may be sold for the Payment of Debts.

PROVIDED ALWAYS, That when any Debt is hereafter recovered, and Damages awarded, or when any Debt is acknowledged before such as have or shall have Power to take Cognizance thereof, and Executions awarded thereupon, to be levied upon the Lands Tenements or Hereditaments of any Person or Persons whatsoever, it shall not be lawful for any Sheriff or other Officer, by Virtue of such Executions, or of any Writ or Writs thereupon, to sell or expose to Sale any such Lands, Tenements or Hereditaments, in this Province, which shall or may yield yearly Rents or Profits, beyond all Reprizes, sufficient, within the Space of seven Years, to pay or satisfy such Debts or Damages, with Costs of Suit; but that all those Lands, Tenements and Hereditaments shall, by Virtue of the Writ or Writs of Execution, be delivered to the Party obtaining the same, until the Debt or Damages be levied by a reasonable Extent, in the same Manner and Method as Lands are delivered upon Writs of *Elegits* in *England*.

Except the Rents thereof will satisfy such Debt in seven Years.

4th Rep. Init. Goods Case. & Rep. Corbet Case as to Casual profits or misfortunes after Liberate executed

PROVIDED NEVERTHELESS, That if the clear Profits of such Lands or Tenements shall not be found by Inquest of twelve Men to be sufficient, within seven Years, to satisfy the Debt or Damages in such Executions; or if, before the Extent be out, any other Debts or Damages shall be recovered against the same Debtor or Defendant, his Heirs, Executors or Administrators; which with what remains due upon such Extent, cannot all be satisfied out of the yearly Profits of the Lands or Tenements so extended, within seven Years, then, and in every such Case, the Sheriff, or other Officer shall accordingly certify the same upon the Return of such Executions; whereupon Writ or Writs of *Venditioni exponas* shall issue forth to sell such Lands and Tenements, for and towards Satisfaction of what shall so remain due upon such Extent, as also towards Satisfaction of all the rest of the said Debts or Damages, in Manner as is herein after directed concerning the Sale of other Lands.

But if not, &c. then said Lands shall be sold

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for

Proceedings thereon.

for the Sheriff, or other Officer, by a Writ of *Levari facias*, to ſeize and take all other Lands, Tenements and Hereditaments in Execution, and thereupon, with all convenient Speed, either with or without any Writ of *Venditioni exponas*, to make publick Sale thereof for the moſt they will yield, and pay the Price or Value of the ſame to the Party, towards Satisfaction of his Debt, Damages and Coſts.

Notice to be given ten Days.

But before any ſuch Sale be made, the Sheriff, or other Officer, ſhall cauſe ſo may Writings to be made, upon Parchment, or good Paper, as the Debtor or Defendant ſhall reaſonably deſire or requeſt, or ſo many, whichour ſuch Requeſt, as may be ſufficient to ſignify and give Notice of ſuch Sales or Vendues, and of the Day and Hour when, and the Place where the ſame will be, and what Lands or Tenements are to be ſo ſold, and where they lie; which Notice ſhall be given to the Defendant; and the ſaid Parchments or Papers fix'd by the Sheriff, or other Officers, in the moſt publick Places of the County or City, at leaſt ten Days before Sale; and upon ſuch Sale, the Sheriff, or other Officer, ſhall make Return thereof, indorſed or annex'd to the ſaid *Levari facias;* and give the Buyer a Deed, duly executed and acknowledged in Court for what is ſold, as has been heretofore uſed upon the Sheriff's Sale of Lands.

After the Sale the Sheriff to give the Buyer a Deed, &c.

But in Caſe the ſaid Lands and Hereditaments ſo to be expoſed, cannot be ſold, then the Officer ſhall make Return upon the Writ, *That he expoſed ſuch Lands or Tenements to Sale, and the ſame remained in his Hand unſold for Want of Buyers,* Which Return ſhall not make the Officer liable to anſwer the Debt or Damages contained in ſuch Writ, but a Writ, called *Liberari facias*, ſhall forthwith be awarded and directed to the proper Officer, commanding him to deliver to the Party ſuch Part or Parts of thoſe Lands, Tenements and Hereditaments as ſhall ſatisfy his Debt, Damages and Intereſt, from the Time of the Judgment given, with Coſt of Suit, according to the Valuation of twelve Men; To hold to him as his free Tenement, in ſatisfaction of his Debt, Damages and Coſts, or ſo much thereof as thoſe Lands, by the Valuation thereof as aforeſaid, ſhall amount unto: And if it fall ſhort, the Party may afterwards have Execution for the Reſidue againſt the Defendant's Body, Lands or Goods, as the Laws of this Province ſhall direct and appoint from time to time, concerning other Executions. All which ſaid Lands, Tenements, Hereditaments and Premiſes ſo as aforeſaid to be ſold or delivered by the Sheriff or Officer aforeſaid, with all their Appurtenances, ſhall or may be quietly and peaceably held and enjoyed by the Perſon or Perſons, or Bodies politick, to whom the ſame ſhall be ſold or delivered, and by his and their Heirs, Succeſſors, or Aſſigns, as fully and amply, and for ſuch Eſtate and Eſtates, and under ſuch Rents and Services as he or they for whoſe Debt or Duty the ſame ſhall be ſo ſold or delivered, might, could or ought to do at or before the taking thereof in Execution.

And how the Debtor ſhall be ſatisfied, and hold the ſaid Lands, &c.

4 Rep. '67. b.

The chief Meſſuage, &c. not to be ſold within a Year after Judgment, &c.

PROVIDED ALWAYS, That the Meſſuage, Lands or Tenements upon which the Defendant is chiefly ſeated, ſhall not be expoſed to Sale before the Expiration of one whole Year after Judgment is given to the Intent that the Defendant, or any other for him, may redeem the ſame.

AND foraſmuch as divers Perſons have mortgaged their Lands and Tenements in this Province for ſecuring the Payment of Monies, and ſome of them have died before the time of Payment, and left others to ſucceed them, that have proved Inſolvent; and others have neglected to pay the Mortgage-Money, and ſo Mortgages are become no effectual Security, conſidering how low the annual Profits of Tenements and improved Lands are here, and the Diſcouragements which the Mortgagees meet with, by Reaſon of the Equity of Redemption remaining in the Mortgagers: BE IT THEREFORE ENACTED by the Authority aforeſaid, That where Default or Defaults, have been or ſhall be made or ſuffered by any Mortgager or Mortgagers of any Lands, Tenements, or other Hereditaments, within this Province, or by his, her or their Heirs, Executors, Adminiſtrators and Aſſigns, of or in Payment of the Mortgage Money, or Performance of the Condition or Conditions which ~~they~~ are or any of them ſhould have paid or performed, or ought to pay or perform in ſuch Manner and Form, and according to the Purport, Tenor and Effect of the reſpective Proviſoes, Conditions or Covenants compriſed in their Deeds of Mortgage or Defeazance, and at the Days, Times and Places in the ſame Deeds reſpectively mentioned and contained; that in every ſuch Caſe it ſhall and may be lawful to and for the Mortgagee or Mortgagees, and him, her or them that grant the ſaid Deeds of Defeazance, and his, her and their Heirs, Executors, Adminiſtrators or Aſſigns, at any time after the Expiration of twelve Months next enſuing the laſt Day whereon the ſaid Mortgage-Money ought to be paid, or other Conditions performed as aforeſaid, to ſue forth a Writ or Writs of *Scire facias*, which the Clerk of the Court of Common-Pleas for the County or City where the ſaid mortgaged Lands or Hereditaments lie, and he is hereby impowered and required to make out and diſpatch, directed to the proper Officer, requiring him, by honeſt and lawful Men of the Neighbourhood to make known to the Mortgager or Mortgagers, his, her or their Heirs, Executors or Adminiſtrators, that he or they be and appear before the Magiſtrates, Judges or Juſtices of the ſaid Court or Courts, to ſhew if any thing he or they have to ſay wherefore the ſaid mortgaged Premiſes ought not to be ſeized and taken in Execution for Payment of the ſaid Mortgage-Money, with Intereſt, or to ſatisfy the Damages which the Plaintiff in ſuch *Scire facias* ſhall, upon the Record, ſuggeſt, for the Breach or Non-Performance of the ſaid Conditions. And if the Defendant in ſuch *Scire facias*, appears, he or ſhe may plead Satisfaction or Payment of Part or all the Mortgage-Money, or any other lawful Plea, in Avoidance of the Deed or Debt, as the Caſe may require: But if the Defendants, in ſuch *Scire facias*, will not appear on the Day whereon the ſame Writ ſhall be made returnable, then, if the Caſe be ſuch as Damages only are to be recovered, an Inqueſt ſhall be forthwith charged to enquire thereof, and the definitive Judgment therein, as well as all other Judgments, to be given upon ſuch *Scire facias*, ſhall be entered, that the Plaintiff in the *Scire facias* ſhall have Execution by *Levari facias*, directed to the proper Officer; by Virtue whereof the ſaid mortgaged Premiſes ſhall be taken in Execution, and expoſed to Sale in Manner aforeſaid; and upon Sale, conveyed to the Buyer or Buyers thereof, and the Money or Price of the ſame rendered to the Mortgagee or Creditor; but for want of Buyers

The Mortgagee, upon Non-Payment of the Mortgage-Money, may after one Year, ſue forth a Writ of Scire facias, &c.

And take out Execution and expoſe to Sale the mortgaged Premiſes.

Buyers, to be delivered to the Mortgagee or Creditor in Manner and Form as is herein above directed concerning other Lands and Hereditaments, to be ſold or delivered upon Executions for other Debts, or Damages; and when the ſaid Lands and Hereditaments ſhall be ſo ſold or delivered as aforeſaid, the Perſon or Perſons to whom they ſhall be ſo ſold or delivered, ſhall and may hold and enjoy the ſame, with their Appurtenances, for ſuch Eſtate or Eſtates as they were ſold or delivered, clearly diſcharged and free'd from all Equity and Benefit of Redemption, and all other Incumbrances made or ſuffered by the Mortgagers, their Heirs or Aſſigns; and ſuch Sales ſhall be available in Law, and the reſpective Vendees, Mortgagees or Creditors, their Heirs and Aſſigns, ſhall hold and enjoy the ſame, free'd and diſcharged as aforeſaid; but before ſuch Sales be made, Notice ſhall be given, in Writing, in Manner and Form as is herein above directed concerning the Sales of Lands upon Executions; any Law or Uſage to the Contrary notwithſtanding.

And ſuch Sales ſhall be available in Law, &c.

PROVIDED ALSO, AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That when any of the ſaid Lands, Tenements or Hereditaments which by the Direction and Authority of this Act, are to be ſold for Payment of Debts, and Damages in Manner aforeſaid, ſhall be ſold for more than will ſatisfy the ſame Debts or Damages, and reaſonable Coſts, then the Sheriff, or other Officer who ſhall make the Sale, muſt render the Overplus to the Debtor or Defendant; and then, and not before, the ſaid Officer ſhall be diſcharged thereof upon Record in the ſame Court where he ſhall make Return of his Proceedings concerning the ſaid Sales.

Overplus to be returned to the Debtor where Lands &c. are ſold for more than will ſatisfy the Debts, &c.

PROVIDED ALSO, That no Sale or Delivery which ſhall be made by Virtue of this Act ſhall be extended to create any further Term or Eſtate to the Vendees, Mortgagees or Creditors than the Lands or Hereditaments ſo ſold or delivered ſhall appear to be mortgaged for by the ſaid reſpective Mortgages or defeazible Deeds.

All the Eſtate of the Morgagor ſhall paſs to the Buyer.

PROVIDED ALSO, That if any of the ſaid Judgments which do or ſhall warrant the awarding of the ſaid Writs of Executions whereupon any Lands, Tenements or Hereditaments have been or ſhall be ſold ſhall, at any time hereafter, be reverſed for any Error or Errors, then, and in every ſuch Caſe, none of the ſaid Lands, Tenements or Hereditaments ſo as aforeſaid taken or ſold, or to be taken or ſold upon Executions, nor any Part thereof, ſhall be reſtored, nor the Sheriff's Sale or Delivery thereof avoided, but Reſtitution in ſuch Caſes only of the Money or Price for which ſuch Lands were or ſhall be ſold.

The Lands, &c. not be reſtored upon the Reverſion of ſuch Judgments, &c. but the Price of ſuch Lands, &c.

Recorded A, Vol. 1. p. 199.

CXXXIX. *An* ACT *about Arreſts, and making Debtors pay by Servitude.*

BE IT ENACTED by *JOHN EVANS*, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief of the Province of *Pennſylvania* and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That in caſe any Perſon arreſt another going out of this Government, he ſhall be ready with his Declaration and Evidence the next Day, and ſhall put in Security to pay the Charges and Damages ſuſtained by the Party arreſted, if he ſhall be found in the wrong; and that all Perſons of known Eſtates (refuſing to pay their juſt Debts) if arreſted and impriſoned, ſhall be kept in at their own Charges until Security be given or Satisfaction be made.

Repealed by an Act paſſed 3 Geo. II. intituled, "An Act for Relief of inſolvent Debtors." But Part of this Act is revived by 4th, Geo. II.

PROVIDED ALWAYS, That no Perſon ſhall be kept in Priſon for Debt or Fines longer than the ſecond Day of the next Seſſions after his or her Committment, unleſs the Plantiff ſhall make it appear that the Perſon impriſoned hath ſome Eſtate that he will not produce, in which Caſe the Court ſhall examine all Perſons ſuſpected to be privy to the concealing of ſuch Eſtate, and if no Eſtate ſufficient ſhall be found, the Debtor ſhall make Satisfaction by Servitude, according to the Judgment of the Court where ſuch Action is tried (not exceeding ſeven Years, if a ſingle Perſon, and under the Age of fifty and three Years; and five Years if a married Man, and under the Age of forty and ſix Years) if the Plantiff require it; but if the Plantiff refuſe ſuch Manner of Satisfaction, according to the Judgment of the Court as aforeſaid, then and in ſuch Caſe the Priſoner ſhall be diſcharged in open Court.

PROVIDED ALWAYS, That nothing in this Act contained ſhall be conſtrued to ſubject any Maſter of Ship or other Veſſel, trading into this Province from other Parts, to make Satisfaction for Debt by Servitude as aboveſaid.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Freeholder inhabiting in this Province ſhall be taken for Debt before Trial, unleſs he or ſhe be about to depart out of this Province, and refuſe to give ſufficient Bail for Appearance at the next Court, or Security for the Payment of the Debt; and that in ſuch Caſe, before any Warrant of Arreſt be granted, the Plantiff ſhall declare before thoſe who are impowered to grant the ſame, that he or ſhe believeth in his or her Conſcience that his or her Cauſe of Action is juſt, and his or her Declaration and Evidence are ready for Trial, if the Defendant ſhall pray a ſpecial Court; and that in all other Caſes of Debt or Damages relating to Freeholders reſiding in this Province, the Proceſs and Proceedings ſhall be by Summons only, as by a former Law of this Province.

PROVIDED ALWAYS, That this Law ſhall not be extended nor be in Force againſt any Member of the Governor's Council or Aſſembly of this Province, during the Sitting of the Aſſembly, and fourteen Days before, and five Days after riſing.

Recorded A, Vol. 1. p. 203.

CXL. *An* ACT *for the Relief of the Poor.*

FOR the better Relief of the Poor of this Province, BE IT ENACTED by JOHN EVANS, Eſq; by the Queen's Royal Approbation Lieutenant Governor, under WILLIAM PENN, Eſq; abſolute Pro-

vide 72

1 Strange 92 In Construing the Stat. relative to the Poor the most adhere to the Letter
2 Str. 880 It is dangerous to admit Judges constituted for particular purposes to
Deviate from the Letter

Proprietary and Governor in chief of the Province of *Pennſylvania* and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That the Juſtices of the Peace of the reſpective Counties of this Province, or any three or more of them, ſhall on the Five-and-twenti-eth Day of *March* yearly (unleſs that ſhall happen on the Firſt Day of the Week) and then on the Day following, meet at ſome convenient Place within their County, and there nominate and appoint one, two, or more (as the Caſe may require) of ſubſtantial Inhabitants of the reſpective Townſhips, and where the Townſhips are ſmall and Inhabitants few, two or more (as the Juſtices ſhall think fit) may be joined together within their County, to be Overſeers of the Poor of the ſaid Townſhips for the Year enſuing.

The Juſtices of the Peace of the reſpective Counties to appoint Overſeers of the Poor; how and when. Altered by 8th and 23d Geo. II.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That it ſhall and may be lawful for the Overſeer or Overſeers of the Poor ſo nominated and appointed, to make or lay a Rate or Aſſeſſment after the Rate of *One Penny per Pound*, clear Value of the real and perſonal Eſtates of all and every the Freeholders and Inhabitants within their reſpective Townſhips, to be employed for the Relief of poor indigent and impotent Perſons inhabiting within the ſaid Townſhips, in ſuch a Manner as by this Act is directed and appointed; and *Four Shillings per* Head on all Freemen not otherwiſe rated.

How the Overſeers are to proceed in collecting the Aſſeſſments.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Overſeers, before they proceed to the collecting of the ſaid Rate, ſhall procure the ſame to be allowed by three or more Juſtices of the Peace of the County wherein the ſaid Tax is made. And if any Perſon or Perſons ſo rated or aſſeſſed, ſhall refuſe to pay the Sum or Sums on them charged, that it ſhall and may be lawful to and for the ſaid Overſeer or Overſeers) having firſt obtained a Warrant under the Hands and Seals of two Juſtices of the Peace of the County where the ſaid Aſſeſſment is made, who are hereby impowered to grant ſuch Warrant) to levy the ſame on the Goods and Chattels of the Perſon or Perſons ſo refuſing; and in Caſe ſuch Perſon ſhall not, within three Days next after ſuch Diſtreſs made, pay the Sum or Sums on him aſſeſſed, together with the Charge of ſuch Diſtreſs, that the ſaid Overſeer or Overſeers may proceed to the Sale of the Goods diſtrained, rendering to the Owner the Overplus (if any) that ſhall remain on ſuch Sale, reaſonable Charges firſt deducted. And in caſe ſuch Perſon or Perſons have no Goods or Chattels whereby they may be diſtrained, that then it ſhall be lawful for the ſaid Juſtices to commit the Offenders ro Priſon, there to remain without Bail or Mainprize until they have paid the ſame.

Appeals regulated,

PROVIDED ALWAYS, That if any Perſon or Perſons find themſelves aggrieved with ſuch Rate or Aſſeſſment, that then it ſhall be lawful for the Juſtices of the Peace, at their next General Quarter-Seſſions, upon Petition of the Party, to take ſuch Order therein as to them ſhall be thought convenient, and the ſame to conclude and bind all Parties; and the Overſeer or Overſeers ſhall forbear ſuch Diſtreſs till the ſame be determined in the Quarter-Seſſions.

The Overſeers to be guided by the County Aſſeſſment.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Overſeers ſhall lay the ſaid Rate according to the beſt of their Skill and Judgment, wherein they ſhall be guided by the County Aſſeſſment on other Occaſions, having due Regard to every Man's Eſtate, without Favour or Affection to any.

2 Str 955. A father is not obliged to maintain his Son-in-law.

Fathers &c. are obliged to maintain poor Children, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Father and Grand-Father, and the Mother and Grand-Mother, and the Children of every poor old, blind, lame and impotent Perſon, or other poor Perſon not able to work, being of a ſufficient Ability, ſhall at their own Charges, relieve and maintain every ſuch poor Perſon as the Juſtices of the Peace at their General Quarter-Seſſions ſhall order and direct, on Pain of forfeiting *Forty Shillings* for every Month they ſhall fail therein. 2 Bulſtrode 345 A Perſon marrying the Grand Mother of a Lady at the Time of Marriage is liable

Overſeers to ſet to work poor Children, and put them out Apprentices.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Overſeers of the Poor, by the Approbation and Conſent of two or more Juſtices of the Peace, to ſet on Work the Children of all ſuch whoſe Parents ſhall not be by the ſaid Juſtices thought able to maintain them; and alſo to put ſuch Children out Apprentices for ſuch Term as they in their Diſcretion ſhall ſee meet.

No Perſon to receive Relief without Order, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Perſon or Perſons ſhall be admitted or entered in the Poor's Book, or receive Relief from the Overſeers of the Poor before ſuch Perſon or Perſons have procured an Order from two Juſtices of the Peace for the ſame: And in caſe the ſaid Overſeers ſhall enter into their Books, or relieve any ſuch poor Perſon or Perſons, without ſuch Order, they ſhall forfeit all ſuch Money or Goods ſo paid or diſtributed, unleſs the Juſtices ſhall approve and allow them the ſame upon making up their Accounts.

Overſeers to ſettle their Accounts yearly, and return the Names of two or more to ſucceed them.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Juſtices of the Peace of the ſaid reſpective Counties ſhall, at leaſt ten Days before the ſaid Twenty-fifth Day of *March*, yearly, iſſue out their Warranrs, directed to the Overſeers of the Poor of the reſpective Townſhips within their County, commanding rhe ſaid Overſeers to appear before them on the ſaid Day, and produce their Accounts of what Money they have received, and diſburſed for the Uſe of the Poor, and alſo to return the Names of one or two, or more (as the Place may require) of the ſufficient Inhabitants of the reſpective Townſhips, to ſucceed them in that Office for the Year enſuing: And in caſe the Overſeers ſhall neglect to bring in ſuch their Accounts, as alſo the Names of ſuch ſufficient Perſons to ſucceed them in thar Office rhe Year enſuing, ſuch Perſon or Perſons, ſo neglecting ſhall ſerve in that Office one Year longer, or otherwiſe forfeit any Sum not exceeding *Fifty Pounds*, as the ſaid Juſtices ſhall think fit and direct. And in caſe the Perſon or Perſons approved on and appointed by the ſaid Juſtices to be Overſeers of the Poor of any Townſhip within the reſpective Counties ſhall refuſe to take upon him or them the ſaid Office, and to do his and their Duty therein, he or they ſhall forfeit the Sum of *Five Pounds* each;

Or ſerve another Year, or forfeit, &c.

which

which ſaid Forfeitures ſhall go and be to the Uſe of the Poor of the Town or Place where ſuch Neglect or Refuſal ſhall be made, and ſhall be levied by the Conſtable, by Warrant from any two Juſtices of the Peace of the ſaid County, under their Hands and Seals, on the Goods and Chattles of ſuch Perſon or Perſons ſo neglecting or refuſing, and by the Conſtable ſold within three Days next after ſuch Diſtreſs made: And if there happen any Overplus upon Sale thereof, the ſame ſhall be paid to the Perſon or Perſons to whom the ſame ſhall belong, reaſonable Charges firſt deducted. And if ſuch Perſon or Perſons ſo neglecting or refuſing as aforeſaid ſhall not have Goods or Chattles whereby he or they may be diſtrained as aforeſaid, that then the ſaid Juſtices may commit the Offender or Offenders to Priſon, there to remain without Bail or Mainprize till the ſaid Forfeitures ſhall be by them fully ſatisfied and paid.

Penalty on refuſing to ſerve.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Mayor and Aldermen of the City of *Philadelphia* ſhall have the ſame Power and Authority, by Virtue of this Act, within the Limits and Precincts of their Juriſdiction, as well out of Seſſions as at their Seſſions, as is herein limited, preſcribed and appointed to the Juſtices of the Peace of the County.

Power of the Mayor and Aldermen of Philadelphia.

Recorded A, Vol. 1. 204.

CXLI. *An* ACT *for confirming the Sales of Lands by Attornies or Agents, and for aſcertaining the Proof of Inſtruments or Writings made out of this Province.*

WHEREAS divers Perſons living out of this Province are and have been Owners of Lands within the ſame, and ſuch Perſons have uſually appointed Attornies to ſell and diſpoſe thereof: To the End therefore that thoſe who have ſo purchaſed, and their Heirs or Aſſigns forever hereafter be ſecured in their Titles and Eſtates, BE IT ENACTED by JOHN EVANS, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief of the Province of *Pennſylvania* and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That all Sales of Lands, Tenements and Hereditaments formerly made by any Attornies or Agents, who have been appointed ſuch by any Perſon or Perſons, who had Right ſo to do, and eſpecially giving them Power or Directions therein to ſell or convey Lands, are and ſhall be deemed and adjudged good and effectual in Law to all Intents, Conſtructions and Purpoſes whatſoever, as fully as if the ſaid Owners of ſuch Lands had, by their own Deeds, Bargains and Sales, actually and really ſold and conveyed the ſame; and all and ſingular the Lands, Tenements and Hereditaments ſold and conveyed as aforeſaid ſhall be and remain to ſuch Purchaſers reſpectively, their Heirs and Aſſigns forever, as they were or ought to have been to the Owner or Owners of ſuch Lands and Premiſes ſo employing his or their Attornies, or Agents as aforeſaid.

Sale of Lands formerly made by Attornies ſhall be effectual in Law.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all and every Bonds, Specialties, Letters of Attorney, and other Powers in Writing, which ſhall be produced in any Court, or before any Magiſtrate in this Province, the Execution whereof being proved by two or more of the Witneſſes thereunto, before any Mayor or chief Magiſtrate or Officer of the Cities, Towns or Places where ſuch Bonds, Letters of Attorney, or other Writings, are or ſhall be made or executed, and accordingly certified under the common or publick Seal of the Cities, Towns or Places where the ſaid Bonds, Letters of Attorney, or other Writings, are ſo proved reſpectively, ſhall be taken and adjudged as ſufficient in Law as if the Witneſſes therein named had been preſent, and ſuch Certification ſhall be ſufficient Evidence to the Court and Jury for the Proof thereof.

Bonds, &c. proved by two Witneſſes before any Mayor, &c. and certified under the Publick Seal, &c. ſufficient in Law.

AND IT IS FURTHER ENACTED by the Authority aforeſaid, That all Sales or Conveyances of Lands, Tenements or Hereditaments which ſhall hereafter be made by Virtue of any Letters or Powers of Attorney or Agency duly executed, which do or ſhall expreſly give Power to ſell Lands or other Eſtates, and be certified to have been proved as aforeſaid, or ſhall be proved in this Province before any Juſtice of the Peace, by one or more of the Witneſſes thereto, ſhall be good and effectual in Law to all Intents, Conſtructions and Purpoſes whatſoever as if the ſaid Conſtituent or Conſtituents had by their own Deeds, Bargains and Sales actually and really ſold and conveyed the ſame.

Future Sales of Lands &c. by Power of Attorney regulated.

PROVIDED ALWAYS, That no Sale of Lands, Tenements and Hereditaments made by Virtue of ſuch Power or Powers of Attorney or Agency as aforeſaid, ſhall be good and effectual, unleſs ſuch Sale be made and executed while ſuch Power is in Force; and all ſuch Powers ſhall be accounted, deemed and taken to be in Force until the Attorney or Agent ſhall have due Notice of a Countermand, Revocation or Death of the Conſtituent.

Recorded A, Vol. 1. p. 206.

CXLII. *An additional* ACT *for the better preſerving the Highways.* See before Page. 7. and 8.

FOR the better amending, repairing and preſerving of the Highways, now generally ſpoiled by the extraordinary and unreaſonable lading of Waggons and other Carriages, and drawing the ſame with Horſes at Length, BE IT ENACTED by *JOHN EVANS*, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief of the Province of *Pennſylvania* and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That from and after the firſt Day of *May*, which ſhall be in the Year of our Lord, One Thouſand Seven Hundred and Six, no travelling Waggon, Wain, Cart, or other Sort of Carriage whatſoever, going from or coming to the City

No Waggon, Cart, &c. to be drawn by above three Horſes at length.

City of *Philadelphia*, between the Rivers *Delaware* and *Schuylkill*, in the County of *Philadelphia*, wherein any Burden, Goods or Wares are or shall be carried, shall at any one Time travel, or be drawn, or go in any common or publick Highway or Road with above three Horſe Beaſts at Length. And if any Perſon or Perſons ſhall cauſe any ſuch Waggon, Wain, Cart or Carriage to be drawn with a greater Number of Horſes or Oxen, then and in ſuch Caſe the Horſes or Oxen ſhall all draw in Pairs, *That is to ſay*, two a-breaſt, for ſuch a Number as they ſhall uſe, except one Horſe; any Law, Statute or Uſage to the contrary notwithſtanding.

Penalty on Offences againſt this Act.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That every Owner of any Waggon, Carts, Carriage, Horſe Beaſts, or Oxen offending contrary to this Act, being legally convicted before any one Juſtice of the Peace, by Proof of one credible Witneſs, or upon View of the Juſtice himſelf, ſhall forfeit for every ſuch Offence the Sum of *Forty Shillings*, one half part thereof to the Surveyor of the Highways where the Offence ſhall be committed, to be employed in the Repair of the ſaid Highway, and the other Moiety to him that ſhall diſcover the ſame: Which Fine ſhall be levied by the Conſtable of ſuch Place or Diviſion, or by any other Officer, by Warrant under the Hand and Seal of ſuch Juſtice of the Peace, upon the Goods and Chattels, of the Perſon ſo offending (rendering the Overplus to the Owner thereof) all neceſſary Charges in levying the ſame being firſt deducted.

Recorded, A, Vol. 1. p. 208.

CXLIII. *A Supplementary* ACT *to that about raiſing County Levies.* Repealed by the 11 *Geo.* I. Recorded A, Vol. 1. p. 208.

CXLIV. *An* ACT *to prevent the Running of Swine at large.*

WHEREAS the Freeholders and Owners of Lands and Plantations within this Province have received great Damage and Spoil in their Corn Fields, Meadows and Out-lands, by Swine running at large without Rings and Yokes: For the Prevention whereof for the future, BE IT ENACTED by *JOHN EVANS*, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief of the Province of *Pennſylvania* and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That from and after the firſt Day of the twelfth Month, called *February*, next enſuing the Publication hereof, no Swine ſhall be ſuffered to run at large without Rings and Yokes, under the Penalty of forfeiting Half the Value thereof, to the Uſe hereafter expreſſed: Therefore if any Perſon or Perſons who ſhall find on his, her or their Lands, within fourteen Miles of the navigable Parts of the River *Delaware*, any Swine, Hog or Hogs, Shoat or Shoats, or Pigs, without Rings in their Noſes, ſufficient to prevent their turning up the Ground, and triangular or three corner'd Yokes or Bows about their Necks, and to extend at leaſt ſix Inches from the angular Point or Corner, ſufficient to keep them from breaking through Fence, it ſhall and may be lawful for him, her or them, all ſuch Swine, Hogs, Shoats or Pigs, to kill and take, and drive and carry away, or to cauſe them to be killed, taken, driven or carried away; and being ſo taken and carried away, the ſaid takers ſhall forthwith acquaint a Juſtice of the Peace thereof, and being by him legally atteſted, that the ſaid Swine were taken as aforeſaid without Yokes or Bows and Rings, the ſaid Juſtice ſhall immediately appoint and order two indifferent Perſons of the Neighbourhood to view and make a juſt and reaſonable Appraiſement of all ſuch Swine, Hogs, Shoats or Pigs, and to make Return of their Value, Number and Marks unto the ſaid Juſtice of the Peace as ſoon as conveniently it may be done after ſuch Appraiſement, one Moiety or Half the Value whereof ſhall be forfeit to the Perſon or Perſons Owners or Poſſeſſors of ſuch Lands where found and taken; and he or they that ſhall take up ſuch Swine as aforeſaid ſhall pay unto the ſaid Juſtice of the Peace, for the Uſe of the Owner or Owners of ſuch Swine, the other Moiety or half Part thereof; and thereupon the Property of all ſuch Swine ſhall be and remain in the ſaid Owner or Poſſeſſor of Land as aforeſaid, to his and their own proper Uſe forever.

No Swine to run at large without Rings and Yokes, within fourteen Miles of Delaware.

Rings and Yokes deſcribed.

Proceedings on Offences againſt this Act.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That ſuch Juſtice of Peace ſhall make Publication thereof by a Paper affixed on his Houſe, and on ſome Tree near the High-road Side, declaring the Number, Marks and Appraiſement of all ſuch Swine, and by whom taken up, to the End that the Owners may have Notice thereof, unto whom the ſaid Juſtice of Peace ſhall pay the other Moiety or Half the Value of ſuch Swine taken and appraiſed, he firſt deducting out of the ſame *Two Shillings* for the Appraiſers, and *Two Shillings* for the Juſtice's Clerk, for their Trouble therein. But if it ſo happen that the Moiety or half Part, as appraiſed, will not pay the ſaid *Four Shillings*, then ſuch Takers up ſhall pay what ſhall be wanting thereof.

PROVIDED NEVERTHELESS, That if no Perſon appear within twelve Months after Appraiſement as aforeſaid to claim the Moiety or Half Part of ſuch Swine, that then the ſaid Juſtice ſhall pay what Money he hath received (the Charges as aforeſaid firſt deducted) unto the Overſeer or Overſeers of the Poor of the Townſhip where taken up, for the Uſe of the Poor of the ſaid Townſhip, and the Owners of ſuch Swine ſhall be thereupon debarred from any Claim or Right to the ſame; any Law, Uſage or Cuſtom to the contrary in anywiſe notwithſtanding.

No Swine to go at large in Philadelphia, &c. on Forfeiture:

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That it ſhall not be lawful for any Swine, Hogs, Shoats or Pigs to go at large in the Towns of *Philadelphia*, *Cheſter* or *Briſtol*, whether yoked and ringed or not; but if any ſuch ſhall be found, running at large after the firſt Day of the twelfth Month next enſuing, ſuch Swine, Hogs, Shoats or Pigs, ſhall be forfeit, one Half to him or them

them that ſhall take up the ſame, and the other Half to the Uſe of the Poor of the reſpective Towns, to be paid to the Overſeer or Overſeers accordingly, to the Uſe aforeſaid: The ſaid Town of *Briſtol* being all the Space contained within half a Mile ſquare from the Mill-creek up the River *Delaware*.

Recorded A, Vol. 1. p. 210.

CXLV. *An* ACT *for collecting the Arrears of* Two Thouſand Pounds *granted to the Proprietary*.-Expired.

Recorded A, Vol. 1. p. 211.

CXLVI. *An* ACT *directing the Qualifications of all Magiſtrates and Officers, as alſo the Manner of giving Evidence*. Repealed by the Queen,

Recorded A, Vol. 1. p. 213.

CXLVII. *An* ACT *for Regulating Elections of Sheriffs and Coroners.*

BE IT ENACTED by JOHN EVANS, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief, of the Province of *Pennſylvania*, and Territories, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That the Freemen and Inhabitants of the City and County of *Philadelphia*, as alſo of the other Counties of this Province, at the Time and Place of Meeting for Electing their Repreſentatives to ſerve in Aſſembly, ſhall, or may, yearly, chooſe a double Number of Perſons to preſent to the Governor for Sheriffs and Coroners in Manner following, That is to ſay, The Coroner of every County of this Province, or in his Abſence, the Perſons appointed by the Electors of the ſaid Repreſentatives as Judges of their ſaid Elections, without any other Warrant or Precept, as ſoon as the Election of the Members of the Aſſembly is ended, ſhall by the Conſent of the ſaid Freemen and Electors, or the greateſt Part of them, cauſe a double Number of Perſons to be choſen for Sheriff, by Majority of Voices; who ſhall be returned by Indentures between the Coroners or ſome other of the ſaid Perſons ſo officiating as Judges of the ſaid other Elections, and ſix or more of the Electors: Which Perſons ſo elected for Sheriffs ſhall preſent themſelves to the Governor, within two Days next after ſuch Elections; and if the Governor will not, on or before the third after ſuch Preſentment, commiſſionate one of them ſo choſen and preſented to him, the firſt Perſon named in the Return ſhall, by Virtue of this Act, ſtand and ſerve in the Office of Sheriff for one Year next after ſuch Election, if he ſo long behave himſelf well, without any further or other Commiſſion.

Freeholders to elect a double Number of Sheriffs and Coroners for the reſpective Counties, how and when.

The two Sheriffs choſen, ſhall preſent themſelves to the Governor, who ſhall commiſſionate one of them or the firſt named ſhall ſtand.

BUT in Caſe the Perſons elected for Sheriffs ſhall refuſe to accept of the Office, or if after any Sheriff doth accept, he ſhall be convicted for Miſbehaviour in his Office, or ſhall depart this Life before the End of the Term for which he is or ſhall be choſen, then another ſufficient Perſon ſhall be commiſſionated by the Governor from time to time to ſupply the Place of ſuch as ſhall ſo refuſe, misbehave himſelf, or be deceaſed as aforeſaid, who ſhall act and continue in the Office of Sheriff to the End of the ſaid Term of one Year, from the time he was commiſſionated, or until another be as aforeſaid choſen in his ſtead.

The Governor ſhall diſpoſe of the Places of Sheriffs refuſing &c.

AND that the Sheriff of every County of this Province, or ſuch other Perſon as ſhall be concerned to officiate as Judges of the ſaid Election of Repreſentatives, as ſoon as the Elections of the ſaid Repreſentatives and Sheriffs are ended, ſhall, in Manner aforeſaid, cauſe a double Number of Perſons to be choſen for Coroners, who ſhall be returned and preſented to the Governor within two Days after ſuch Elections; and if the Governor will not commiſſionate one of them ſo preſented, the firſt named in the Return ſhall, by Virtue of this Act, ſtand and ſerve in the Office of Coroner, for one Year next after ſuch Election, if he ſo long behave himſelf well, without any further or other Commiſſion: But in Caſe the Perſons ſo elected for Coroner ſhall refuſe to accept of the Office, or if the Coroner accepting ſhall be convicted of official Misbehaviour, or be deceaſed before the End of the Term for which he is or ſhall be choſen, then another ſufficient Perſon ſhall be commiſſionated by the Governor from time to time, to ſupply thoſe Defects in Manner aforeſaid.

Election and Confirmation of Coroners regulated in the ſame Manner.

BUT if the Freemen or Electors aforeſaid ſhall at any time neglect or decline to chuſe Perſons for either or both the ſaid Offices, then the Perſons that are or ſhall be in the reſpective Offices of Sheriff and Coroner at the time of the ſaid Elections ſhall remain therein until they ſhall be reſpectively removed by another Election, to be made in Manner aforeſaid.

If the Freeholders neglect to chuſe the old Sheriff or Coroner ſhall ſtand.

PROVIDED ALWAYS, That before any Sheriff ſhall receive his Commiſſion, or exerciſe any Part of his ſaid Office, he ſhall, by himſelf or his Deputy put in ſufficient Sureties into the Office of the Maſter of the Rolls of this Province, and there ſhall enter into Bond or Obligation, *to wit*, The Sheriff of the City and County of *Philadelphia*, in the Sum of *Six Hundred Pounds*, current Money of *Pennſylvania*; the Sheriff of the County of *Bucks*, in the Sum of *Two Hundred Pounds*, Money aforeſaid; and the Sheriff of the County of *Cheſter*, in the Sum of *Two Hundred Pounds*, of like Money, upon Condition, *That he will well and faithfully perform his Duty and Truſt in the ſaid Office of Sheriff, according to the Tenor of the Affirmation, which he ſhall make for the due Execution of his Office.* AND that all the Bonds ſo to be given for Security as aforeſaid ſhall be taken in the Queen's Name, and entred of Record in the Maſter of the Rolls-Office aforeſaid; but are hereby declared to be only in Truſt to and for the Uſe of the Perſon or Perſons concerned; and that when any of the ſaid Bonds ſhall

The Sheriff's Security, altered by the 25 Geo. II. Vol. 2. p. 43.

How the ſaid Bonds ſhall be taken &c. and ſued.

ſhall be put in Suit, and Judgment thereon obtained, the Judgment ſhall remain in the ſame Nature the Bonds were; and that no Execution ſhall iſſue out thereupon, before the Perſon or Perſons grieved ſhall, by *Scire facias*, or other Proceſs, ſummon the Perſon or Perſons againſt whom the Judgment aforeſaid, is obtained, to appear and ſhew Cauſe why Execution ſhould not iſſue upon the ſaid Judgment. And if the Plaintiff in the *Scire facias* ſhall prove what Damage he hath ſuſtained, and thereupon, a Verdict be found for him, the Juſtices, in ſuch Caſes, ſhall award Execution for ſo much as the Jury ſhall then find, and no more: and the former Judgment is hereby declared ſtill to remain cautionary, for the Satisfaction of ſuch other Perſon or Perſons as ſhall legally prove themſelves damnified, and recover their Damages as aforeſaid by due Courſe of Law.

Every Sheriff, and Coroners ſhall make and ſubſcribe the Declarations and Profeſſions, &c. Repealed.

AND moreover, no Sheriff or Coroner whatſoever ſhall enter upon or exeteiſe any Part of their ſaid reſpective Offices until they ſhall reſpectively make and ſubſcribe the Declarations and Profeſſion of their Chriſtian Belief in the Act, entituled, *An Act to aſcertain the Numbers of Members of Aſſembly, and to regulate the Elections*, mentioned, and required, to be taken by Members of Aſſembly, and the ſolemn Affirmations and Declarations for the due Execution of their reſpective Offices, in Manner and Form as Sheriffs and Coroners by a Law of this Province, entituled, *An Act directing the Atteſts of Officers*, are reſpectively required to take. All which Declarations, Teſts and Affirmations ſhall be made, ſubſcribed and taken before the Governor in chief, or his Deputy for the time being, or in open Quarter-Seſſions, or before any two Juſtices of the Peace out of Seſſions in the reſpective Counties, where there may be Occaſion to take the ſame. And the ſame Declarations, Teſts and Affirmations ſo made and taken out of Seſſions ſhall be, by the Juſtices, delivered into Court; and the Clerk of ſuch Seſſions is hereby required to record the ſame, as alſo thoſe taken in Court, in Rolls or Books prepared for that Purpoſe.

Sheriff of the County of Philadelphia ſhall be Sheriff of the ſaid City, and Water-Bailiff throughout the Province.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Sheriff and Coroner of the County of *Philadelphia*, ſhall be Sheriff and Coroner of the ſaid City; and the Sheriff of the City and County of *Philadelphia* for the time being, ſhall be Water-Bailiff, and may execute and perform all Things belonging to the Office of Water-Bailiff upon *Delaware* River, and all other navigable Rivers and Creeks within this Province; and ſhall reſide in the City of *Philadelphia*.

PROVIDED ALSO, AND IT IS HEREBY DECLARED, That no Elections ſhall be made for any Sheriff or Coroner before the time limited for thoſe who are at preſent in thoſe Offices reſpectively ſhall be expired.

Recorded A, Vol. 1. p. 217,

CXLVIII. *An* ACT *for the better Proportioning the Rates of Money in Payments made upon Contracts, according to the former Regulation.* Repealed by the Queen.

Recorded A, Vol. 1. p. 219.

CXLIX. *An* ACT *for ſelling the old Court-Houſe and Building a new Court-Houſe and Priſon in the County of* Bucks. Obſolete.

Recorded A, Vol 1. p. 221.

CL. *An* ACT *for Raiſing a Supply of* Two pence Half-penny per Pound, *and* Ten Shillings per Head: *Alſo for Granting an Impoſt and Laying an Exciſe on ſundry Liquors, and Negroes imported into this Province, for the Support of Government and Defraying the neceſſary publick Charges in the Adminiſtration thereof.* Expired.

Recorded A, Vol. 1. p. 222.

CLI. *An* ACT *to aſſure, grant and convey unto* Ralph Fiſhbourne *of* Cheſter, *in the County of* Cheſter, Gent. *one Meſſuage, Cottage, Houſe or Tenement and Lot of Land thereunto belonging, ſituate in* Cheſter, *in the County of* Cheſter *aforeſaid, formerly known by the Name of the old Court-Houſe, To hold to the ſaid* Ralph Fiſhbourne *his Heirs and Aſſigns for ever.*

Recorded A, Vol. 1. p 231.

At the COURT *at* Windſor, *the Twenty-fourth of* October, 1709.

PRESENT.

The QUEEN's moſt Excellent Majeſty,

Lord Treaſurer,	Lord Chamberlain,
Lord Preſident,	Marquis of *Dorcheſter*.
Lord Steward,	Earl of *Sunderland*,
Duke of *Somerſet*,	Mr. Secretary *Boyle*,
Duke of *Bolton*,	Mr. Chancelor of the Exchequer.

WHEREAS by Letters Patents under the Great-Seal of *England*, *William Penn*, Eſq; Proprietary of the Province of *Pennſylvania*, in *America*, is impowered, with the Advice of the Freemen of that Province, or their Deputies in General Aſſembly, to enact Laws for the good Government of the ſaid Province, which Laws are to be tranſmitted to Her Majeſty for Her Royal Approbation or Diſallowance of them. AND Whereas in Purſuance of the ſaid Power the following Acts paſt in the ſaid Province of *Pennſylvania*, in *One Thouſand Seven Hundred and Five*, have been tranſmitted for Her Majeſty's Approbation, entituled.

An Act againſt riotous Sports, Plays and Games.
An Act Limiting the Preſentments of the Grand-Jury.
An Act for the further ſecuring the Adminiſtration of the Government of this Province.
An Act for the Aknowledging and Recording of Deeds.

An

An Act directing the Qualifications of Magistrates and Officers, as also the Manner of giving Evidence.
An Act for the better Proportioning the Rates of Money in Payments made upon Contracts, according to the former Regulation.

WHICH said Laws having been perused and duly considered by the Lords Commissioners of Trade and Plantations, with their Opinion, that the said Acts be repealed; Her Majesty taking the same into Consideration is graciously pleas'd, with the Advice of her Privy Council, to declare her Disallowance and Disapprobation of the said Acts, and pursuant to her Majesty's Royal Pleasure thereupon, the same are hereby repealed, annulled and made void, and of none Effect to all Intents and Purposes whatsoever.

JOHN POVEY.

Recorded A, Vol. 1. p. 233.

CLII. *An* ACT *for Ascertaining the Rates of Money for Payment of Debts, and preventing Exactions on Contracts and Bargains made before the first Day of* May, *in this present Year* One Thousand Seven Hundred and Nine.---Repealed by the Queen. VII. Annæ.

Passed *April 30th.* 1709. Recorded A, Vol. 1. p. 229.

CLIII. *An* ACT *for the better enabling of divers Inhabitants of the Province of* Pennsylvania, *to hold and enjoy Lands, Tenements and Plantations in the same Province.*

WHEREAS by the Royal Charter to the Proprietary, for this Province, Licence is granted to all such as are not specially forbidden to transport themselves and Families unto the said Province, in such Shipping as by the Laws of *England*, they ought to use, and fitting Provision, paying only the Customs therefore due; and here to settle themselves, dwell and inhabit, and plant for the Publick and their own private Advantage. And by the same Charter, the said Proprietary has full and absolute Power to alien, grant or enfeoff such Parts and Parcels of this Country as he should think fit, to him or them that should be willing to purchase the same, *To hold* in Fee-simple, or otherwise, with Licence, Authority and Power to take the Premises so purchased of the said Proprietary, and hold the same to themselves, their Heirs and Assigns, in what Estate of Inheritance soever, as to him the said Proprietary should seem expedient, as by the said Royal Charter more fully appears. Preamble.

AND WHEREAS divers of the Protestant or Reformed Religion, who were Inhabitants of High and Low-*Germany*, about Five-and-Twenty Years ago (out of a Desire to come under the Power and Protection of the Crown of *England*, and partake of the Advantages proposed for the Encouragement of the Adventurers to settle this new Colony) imbraced the Invitations they had from the said Proprietary, to transport themselves and Estates here; and since they came, did contribute the utmost of their Power to enlarge this Part of the *English* Empire, and always behaved themselves as dutiful and peaceable Subjects, and several of them have made and subscribed the Declarations and Test by Law appointed, instead of the Oaths of Supremacy: And the Rest are ready and willing to do it when they are required or admitted so to do.

NOW, forasmuch as the Value of Lands in this Province being generally but the Effect of the People's Labour, their Plantations are deemed, by our Laws, but as Chattels to pay Debts, and Strangers have been rendred capable to hold what they purchased as fully and freely as if they had been natural-born Subjects of this Province; but since the Repeal of the late Laws, made (after the Example of other Governments,) for Encouragement of the Peopling and Settling of this Colony, some Doubts and Questions have arisen, whether the said *Germans* are capable to hold what they purchased as aforesaid; For Removing of which Doubts, BE IT ENACTED by CHARLES GOOKIN, Esq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Esq; Proprietary and Governor in chief, of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That *Francis Daniel Pastorius*, *John Jawart*, *Casper Hoodt*, *Dennis Kunders*, and his three Sons *Conrad Cunrads*, *Matthis Cunrads* and *John Cunrads*, *Dirk Keyser*, and his Son *Peter Keyser*, *John Lucken*, *William Strepers*, *Abraham Tunes*, *Lenart Arrets*, *Reiner Tysen*, *John Lenson*, *Isaac Dilbeck*, and his Son *Jacobus Dilbeck*, *John Doedon*, *Cornelius Siorts*, *Henry Sellen*, *Walter Simons*, *Dirk Janson*, jun. *Richard Vander Werf*, and his Son *John Roeloffs Van der Werf*, *John Strepers* sen. *Peter Shoemaker*, *Jacob Shoemaker*, *George Shoemaker*, *Isaac Shoemaker*, *Matthis van Bebber*, *Cornelius van der Gaege*, *Peter Clever*, *George Gottschick*, *Paul Engell*, and his Son *Jacob Engell*, *Hans Neus*, *Reinier van der Sluys*, and his Son *Adrian van der Sluys*, *Jacob Gaetschalck vander Heggen*, and his Son *Gaetschalck vander Heggen*, *Casper Kleinhoof*, *Henry Bucholtz*, *Hermon Tuynen*, *Paul Klinupges* and his Son *John Klinupges*, *John News*, and his Sons *Matthis News* and *Cornelius News*, *Claus Ruttinghuysen*, *Casper Stalls*, *Henry Tubben*, *William Hendricks*, and his Sons *Hendrick Hendricks* and *Lawrence Hendricks*, *Henry Kesslbery*, *Johannes Rebenstock*, *Peter Verbynen*, *John Henry Kirsten*, *John Radwitzer*, *John Conrads* sen, *John Gorgues*, *Senewes Bartells*, and his Son *Henry Bartells*, *John Krey*, and his Son *William Krey*, *Cunrad Jansen*, *Claus Jansen* and his Son *John Jansen*, *William Jansen*, *Evert In Hoff*, and his Sons *Gerhard In Hoff*, *Herman In Hoff*, and *Peter In Hoff*, *Peter Jansen*, *John Smith*, *Thomas Eckleswick*, *Johannes Scholl*, *Peter Scholl*, *Gabriel Schuler*, *William Putts* and *Matthis Tysen*, all of the County of *Philadelphia*; and *Johannes Bleickers*, of the The Names of the Persons naturalized by this Act.

the County of *Bucks*, in the ſaid Province of *Pennſylvania*; and every of them, who ſhall within ſix Months after the firſt Day of *September*, *One Thouſand Seven Hundred and Nine*, at ſome Court of Quarter-Seſſions of the Peace for the ſaid County of *Philadelphia*, between the Hours of Nine and Twelve in the Forenoon, make and ſubſcribe the Declarations and Profeſſion of Faith, allowed to thoſe that cannot ſwear, inſtead of the Oaths of Supremacy and Allegiance; or ſhall otherwiſe qualify themſelves as the Court ſhall require and the Law directs in ſuch Caſes (the Taking of which Qualifications, and the Making and Subſcribing of the ſaid Declarations and Profeſſions, ſhall be entred on Record in the ſame Court; for the Doing whereof *One Shilling* ſhall be paid to the Clerk, and no more) all and every ſuch Perſons ſhall be enabled and are, and every of them, is hereby enabled and adjudged able and capable to all Intents, Conſtructions and Purpoſes whatſoever, as well to demand, ask, have, hold and enjoy any Lands, Tenements, Plantations, Rents and Hereditaments, in this Province, to which they or any of them may or might in any wiſe be entituled, as if they were free and natural born Subjects and People of this Province: As alſo, that they and every of them ſhall and may be enabled to maintain, proſecute, avow, juſtify and defend all and all Manner of Actions, Suits, Pleas, Plaints, and other Demands whatſoever, in the ſaid Province, as freely and fully, lawfully and ſecurely as if they and every of them had been natural-born Subjects and People of the ſame, or as any other Perſon or Perſons born within this Province may lawfully do; any Law or Uſage to the Contrary notwithſtanding.

Paſſed *September* 28*th*. 1709. Recorded A, Vol. 1. p. 267.

1K. Annæ.

CLIV. *An* ACT *for Eſtabliſhing Courts of Judicature in this Province.* Repealed by the Queen.

Recorded A, Vol. 1. p. 235.

CLV. *An* ACT *for Regulating and Eſtabliſhing Fees.* Repealed by the Queen.

Paſſed Feb. 28th, 1710-11.

Recorded A, Vol. 1. p. 258.

CLVI. *An* ACT *for the Acknowledging and Recording of Deeds.* Repealed by the Queen.

Recorded A, Vol 2. p. 5.

CLVII. *An* ACT *directing an Affirmation to ſuch who for Conſcience-ſake cannot take an Oath.* Repealed by the Queen.

Recorded A, Vol. 2. p. 10.

CLVIII. *An* ACT *that no Publick-houſe or Inn within this Province be kept without Licence.*

No Perſon to keep a Publick-houſe &c. without Recommendation from the Juſtices to the Governor for Licence.

FOR preventing of Diſorders and the Miſchiefs that may happen by Multiplicity of Publick-houſes of Entertainment, BE IT ENACTED by *CHARLES GOOKIN*, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief, of the Province of *Pennſylvania*, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That no Perſon or Perſons whatſoever within this Province ſhall hereafter have or keep any publick Inn, Tavern, Ale-houſe, Tipling-houſe or Dram-ſhop, Victualing-houſe or Publick-houſe of Entertainment in any County of this Province, or in the City of *Philadelphia*, unleſs ſuch Perſon or Perſons ſhall firſt be recommended by the Juſtices in the reſpective County Courts, and the ſaid City in their Quarter-Seſſions or Court of Record for the ſaid Counties and City reſpectively, to the Lieutenant Governor for the time being for his Licence for ſo doing, under the Penalty of *Five Pounds*. And that no Perſon ſo licenſed as aforeſaid ſhall knowingly ſuffer any Diſorder, as Drunkenneſs or unlawful Games whatſoever, in ſuch his, her or their Houſes, under the Penalty of *Forty Shillings*, for the firſt Offence; and for the ſecond Offence, to be ſuppreſſed by the ſaid Juſtices of the ſaid reſpective Courts; and that no ſuch Inn-keeper, Taverner, or other Perſon as aforeſaid, ſhall preſume to continue ſuch Publick-houſe of Entertainment of his own Accord after ſuch Suppreſſion or the Expiration of his Licence, without new Licence as aforeſaid, under the Penalty of *Five Pounds*, one Half thereof to the Governor for the time being, towards the Support of this Government, and the other Half to the Uſe of the Poor of the reſpective Townſhip or City where the Offence ſhall becommitted.

Drunkenneſs and Gaming not to be ſuffered in Publick houſes.

This Act not to debar the Magiſtrates of the City of Philadelphia of Fines &c.

PROVIDED ALWAYS, That nothing herein contained ſhall extend to debar or hinder the Magiſtrates of the City of *Philadelphia* to claim, have and enjoy all ſuch Fines Penalties and Forfeitures as ſhall be due or forfeited in the Quarter-Seſſions or Court of Record to be held for the ſaid City, which are granted them by Charter.

Inn-keepers to keep good Entertainment, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all ſuch Inn-keepers as aforeſaid ſhall keep good Entertainment for Man and Horſe, under the Penalty of forfeiting *Forty Shillings*, for the Uſe aforeſaid.

The Governor to receive for Licences, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Governor ſhall have and receive for every Licence to be granted by him, purſuant to this Act, to any Perſon to ſell Wine, and other Liquors, in the City of *Philadelphia*, *Three Pounds*; and to ſell all other Liquors in the ſaid City (except Wine) the Sum of *Forty Shillings*. And for every Licence to any Perſon to ſell Wine, and other Liquors in the Towns of *New-Briſtol*, *Frankford*, *Germantown*, *Darby*, *Cheſter* and *Chicheſter*, the Sum of *Forty Shillings*. And for every Licence to ſell Wine and other Liquors in any other Part of this Province

Province the Sum of *Thirty Shillings*, and no more. And the Secretary ſhall have for drawing ſuch Licence, with the Seal, *Six Shillings*, and no more.

Recorded A, Vol. 2. p. 11.

CLIX. *An* ACT *of Privileges to a Freeman*, &c. Repealed by the Queen.

Recorded A. Vol. 2. p. 12.

CLX. *An* ACT *againſt riotous Sports, Plays and Games.* Repealed by the Queen.

Recorded A, Vol. 2. p. 12.

CLXI. *An* ACT *to prevent Diſputes which may hereafter ariſe about the Dates of Conveyances, and other Inſtruments and Writings.* Repealed by Act of Aſſembly, *Anno* 25 *Geo.* II. Vol. 2. p. 40.

Recorded A, Vol. 2. p. 14.

CLXII. *An* ACT *for Priority of Payment of Debts to the Inhabitants of this Province.* Repealed by the Queen.

Recorded A, Vol. 2. p. 15.

CLXIII. *An* ACT *for the better improving a good Correſpondence with the Indians.* Expired. Paſſed Feb. 28th, 1710-11.

Recorded A, Vol. 2. p. 16

CLXIV. *An* ACT *for regulating of Party Walls and Buildings in* Philadelphia. Repealed by the Queen

Recorded A, Vol. 2. p. 17.

CLXV. *An* ACT *impowering Commiſſioners to compel the collecting of all Arrearages of former Taxes.* Expired.

Recorded, A, Vol. 2. p. 18.

CLXVI. *An* ACT *for raiſing a Supply of* Two-pence per Pound, *and* Eight Shillings per *Head.* Expired.

Recorded A, Vol. 2. p. 20.

CLXVII. *An Impoſt* ACT *laying a Duty on Negroes, Wine, Rum, and other Spirits, Cyder and Veſſels.* Repealed by the Queen.

Recorded A, Vol. 2. p. 25.

CLXVIII. *An* ACT *for raiſing* Two Thouſand Pounds *for the Queen's Uſe, by a Tax of* Five Pence Half-penny per Pound, *and* Twenty Shillings per *Head.* Obſolete. X. Annæ.

Paſſed, *Auguſt* 10th, 1711. Recorded A, Vol. 2. p. 55.

CLXIX. *An* ACT *confirming Patents and Grants.* Repealed.

Recorded A, Vol. 2, p. 30.

CLXX. *An* ACT *for the better aſcertaining the publick Debts, and Collecting the Arrears of County Levies.* Repealed, by an Act paſs'd the 11. *Geo.* I. poſtea. Paſſed June 7th, 1712.

Recorded A, Vol. 1. p 37.

CLXXI. *An* ACT *for raiſing Money on the Inhabitants of the City of* Philadelphia, *for the publick Uſe and Benefit thereof.*

WHEREAS there is great Occaſion of a publick Stock to pay the juſt Debts, and defray the neceſſary Charges of the ſaid City, for building a Work-houſe of Correction, building and repairing Free-Wharffs and Bridges, Pitching, Paving and Regulating the Highways, Streets and Water-Courſes, making and erecting new and convenient Stalls and Shambles to accommodate Butchers, and all others that bring Goods to ſell in the ſaid City: And foraſmuch as the Incorporating the ſaid City hath ſo far limited the Magiſtracy of the County of *Philadelphia* that the Laws for Raiſing of County-Levies cannot, without the Help of this Act, be ſo aptly and effectually put in Execution within the ſaid City as before, and the Rule and Government of the ſaid City requiring a Charge which may not ſo immediately concern the reſt of the County; BE IT THEREFORE ENACTED by *CHARLES GOOKIN*, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief of the Province of *Pennſylvania*, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That from henceforth the Inhabitants and Freeholders of the ſaid City of *Philadelphia*, who are qualified by the Laws of this Province to elect or be elected Members of Aſſembly, at the Time and Place by Law appointed, or to be appointed for Electing their Repreſentatives to ſerve in &c. Preambl. The Freeholders of Philadelphia to chooſe ſix Aſſeſſors, &c.

in Aſſembly, or the Day following, unleſs it happen on a Firſt-Day, and then on the Day next enſuing, ſhall or may chooſe ſix of the ſaid Inhabitants and Freeholders to be the Aſſeſſors of the ſaid City; and when ſo chooſen the Sheriff of the ſaid City ſhall take their Names in Writing, under the Hands and Seals of at leaſt ſix more of the ſaid Inhabitants and Freeholders, and return or certify the ſame to the Mayor, Recorder and Aldermen of the ſaid City for the time being at their General-Seſſions of the Peace next after ſuch Election.

The Mayor, &c. with the Aſſeſſors ſhall calculate the publick Debts, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Mayor, Recorder and Aldermen of the ſaid City, at their General-Seſſions of the Peace, to be held in the Month called *April*, yearly, or oftner, if occaſion be, with the Aſſiſtance of the ſaid Aſſeſſors, for the time being, or any four of them, ſhall calculate the publick Debts and Charges of the ſaid City, allowing all juſt Dues and Demands wherewith the Perſons and Eſtates within the ſaid City are or may be chargeable from time to time; as alſo ſhall calculate what Sum or Sums of Money may be needful and neceſſary to be raiſed upon the Perſons and Eſtates aforeſaid from time to time, for the Building, Repairing, Regulating or Amending of any Houſes, Bridges, Wharffs, Water-Courſes, or other Uſes, for the publick Service and Benefit of the ſaid City; and ſhall alſo agree and ſettle, from time to time, as Occaſion may require, what Sum or Sums of Money, or other Effects ſhall be applied to the Service of every particular Matter or Thing which they, or the major Part of the ſaid Magiſtrates, with any four of the ſaid Aſſeſſors, ſhall agree on to be neceſſary to be raiſed for the Year enſuing: Which ſaid reſpective Sums, with the particular Uſes whereunto they ſhall be agreed on to be appropriated as aforeſaid, ſhall be entred in a Book to be kept for that Purpoſe by the Clerk of the Peace of the ſaid City, who is hereby obliged to make ſuch Entry from time to time, for which he ſhall be allowed what the ſaid Magiſtrates and Aſſeſſors ſhall think reaſonable; And that the ſaid Aſſeſſors ſhall within ſix Weeks after every ſuch Calculation, make or lay a Rate or Aſſeſſment upon themſelves, and all other Perſons and Eſtates aforeſaid, to and for the aforeſaid Uſes, by a Poll and Pound Rate, according to the Manner and Method now uſed in making Aſſeſſments in this Province for Raiſing of County Levies.

And the Aſſeſſors lay a Rate upon the Perſons and Eſtates &c.

To be returned by the Conſtables.

Their Allowance.

The Aſſeſſment to be allowed by the Mayor, &c.

Collectors to be appointed.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Conſtables of the ſaid City ſhall bring in Returns in Writing to the ſaid Aſſeſſors, within five Days after Notice given them, of the Names and Eſtates of all Perſons within their Wards; for which they ſhall be allowed *Two Pence per Pound*, upon every Sum aſſeſſed in their ſaid reſpective Wards: Which Aſſeſſment being equally and impartially laid and ſigned by at leaſt four of the ſaid Aſſeſſors, ſhall be allow'd and confirm'd by the ſaid Mayor, Recorder and any two of the Aldermen for the time being, under their Hands and Seals, and ſhall be paid by every Perſon and Eſtate ſo aſſeſſed, upon Demand made thereof, by the Collectors, who ſhall, by the ſaid Aſſeſſors, or in Caſe they neglect, then by the ſaid Mayor, Recorder and Aldermen, be appointed to gather the ſame; and in Caſe of Refuſal or Neglect ſhall by Warrant under the Hands and Seals of any three or more of the ſaid City-Magiſtrates, be levied by Diſtreſs and Sale of the Goods of every Perſon ſo aſſeſſed, and not paying the ſame within fourteen Days after Demand; rendering the Overplus of the Value of the Goods ſo diſtrained to the Owner and Owners thereof, Deducting the Charge of ſuch Diſtreſs: But for want of Diſtreſs the ſaid Aſſeſſments to be levied by Impriſonment of the Perſon ſo refuſing or neglecting to pay as aforeſaid.

PROVIDED ALWAYS, That no ſuch Aſſeſſment or Aſſeſſments to be made in any one Year ſhall exceed the Value of *Two Pence* in the *Pound* of the clear Value of the Lands, Tenements, Hereditaments and perſonal Eſtate ſo aſſeſſed; and *Four Shillings per* Head, in Proportion to *One Penny per Pound* Tax, on all ſingle Men, Inhabitants of the ſaid City, not otherwiſe rated by this Act.

PROVIDED ALSO, That thoſe who are not rateable or liable to be taxed for Relief of the Poor within the ſaid City, ſhall not be rated or aſſeſſed by this Act.

The Aſſeſſors to appoint a Treaſurer; and his Duty.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That the ſaid Aſſeſſors ſhall appoint a Treaſurer in the ſaid City; who ſhall keep a diſtinct Book, containing a particular Account of all the Rates and Aſſeſſments made as aforeſaid; as alſo all Diſburſments and Payments which he ſhall make by Order of the Mayor, Recorder, and any four of the ſaid City Magiſtrates, whoſe order to the ſaid Treaſurer from time to time ſhall be ſufficient for the Payment of ſuch Monies as ſhall come into his Hands from the ſaid Collectors.

Who ſhall yearly adjuſt his Accounts.

The Magiſtrates, &c. to allow for his Trouble.

Allowance to the Aſſeſſors.

AND BE IT FURTHER ENACTED, That the ſaid Treaſurer ſhall on the twenty-fifth Day of the Month called *March*, yearly, or oftener, if Occaſion be, bring in his Accounts, and ſettle and make them up before the ſaid Magiſtrates and Aſſeſſors, or ſuch as they ſhall appoint: At the auditing of which Accounts, all or any of the ſaid Inhabitants and Freeholders that are willing, may be preſent. And the ſaid Treaſurer ſhall have for his Trouble therein as much as the ſaid Magiſtrates and Aſſeſſors ſhall agree to allow him. And the ſaid Aſſeſſors ſhall be allowed *Three-pence per Pound* for all the Sums levied and to be collected by Virtue of this Act.

Collectors to pay to the Treaſurer.

AND BE IT FURTHER ENACTED, That the Money and Effects gathered and received by the ſaid Collectors, within their reſpective Limits, by Virtue of this Act, ſhall from time to time be duly paid to the ſaid Treaſurer or Treaſurers, whoſe Receipts ſhall be the Collectors ſufficient Diſcharges.

And give Notice of the Day of Appeal, &c.

PROVIDED ALWAYS, That the ſaid Collectors ſhall forthwith, after every ſuch Aſſeſſment made as aforeſaid, give Notice to the ſaid Freeholders and Inhabitants of the ſaid City, or in their Abſence, to ſome or one of their Families or Neighbours, of the reſpective Sums they are rated, and acquaint them with the Day and Place of Appeal, in caſe they ſhall be aggrieved with ſuch Aſſeſſment: Which ſaid Day of Appeal ſhall be at ſome convenient Place in the ſaid City, to be appointed by the Aſſeſſors that laid the ſaid Tax, the ſame Day four Weeks after the ſaid Aſſeſſment is laid. And the ſaid Aſſeſſors ſhall have due Regard to all ſuch Appeals, and thereupon to abate or increaſe the ſaid Aſſeſſment according as the Appellant

pellants ſhall appear to be worth, either upon their own Atteſt, or Proof of others.

AND BE IT FURTHER ENACTED, That from and immediately after the ſaid Appeals have been heard and conſidered as aforeſaid, it ſhall and may be lawful to and for the ſaid Collectors to proceed in collecting and levying the ſaid Rates and Aſſeſſments; for the collecting whereof they ſhall retain and keep in their Hands *Six-pence* in the *Pound* of all ſuch Money as they ſhall ſo collect, and no more. And if the ſaid Collectors, or any of them, ſhall refuſe or neglect to collect the ſaid Aſſeſſments reſpectively, or any Part thereof, and to pay the ſame unto the Treaſurer, within three Months after the ſaid Appeals have been heard and conſidered as aforeſaid, every ſuch Collector ſo refuſing or neglecting ſhall forfeit and pay to the ſaid Treaſurer, for the Uſe of the ſaid City, the Sum of *Five Pounds*, and ſhall alſo pay all the Arrearages of ſuch Aſſeſſments which he was appointed to collect: Which ſhall be levied by a Warrant under the Hand of the Mayor for the time being, and Seal of the ſaid City, directed to the Sheriff, who is hereby impowered and obliged to execute ſuch Warrant upon the Goods and Chattels of the Party ſo offending. And in caſe Goods and Chattels, ſufficient to make Satisfaction, cannot be found, then to impriſon ſuch Offender till Payment made. And every Collector being ſo diſtrained on, and having made full Satisfaction as aforeſaid, is hereby impowered, without any other Warrant, to diſtrain, for his own Uſe, upon all ſuch as ſhall refuſe or neglect to pay the ſaid Arrearages,

Their Allowance.

Penalty on Refuſal or Neglect.

AND BE IT FURTHER ENACTED, That if at any Time the Inhabitants and Freeholders of the ſaid City ſhall neglect to chuſe Aſſeſſors as aforeſaid, or if when choſen they do not attend their Service as above directed, then the Mayor, Recorder and Aldermen of the ſaid City for the time being, together with the Grand-Inqueſt of the ſaid City, may and ſhall perform the reſpective Offices and Duties of the ſaid Aſſeſſors, as fully and amply as they might or could do by Virtue of this Act.

On Neglect of chuſing Aſſeſſors the Mayor, &c. ſhall act.

PROVIDED ALWAYS, That nothing herein contained ſhall exempt the Inhabitans of the ſaid City from being rated or aſſeſſed in Proportion with the Inhabitants of the County of *Philadelphia*, to pay what is or ſhall be due for making and repairing of Bridges, in the Queen's High-road, over any Rivers or Water where the Tide flows, within the ſaid County, or from paying their Proportion of Aſſembly men's Wages due or to be due from the Inhabitants of the ſaid County from time to time, over and beſides their paying the two Members of Aſſembly choſen to repreſent the ſaid City; or from paying for the Moiety of the Arrearages now due for Wolves Heads, wherewith the ſaid County ſhall be juſtly chargeable; but that all Perſons and Eſtates as aforeſaid, within the ſaid City, ſhall be liable to pay the reſpective Rates hereafter to be aſſeſſed on them from time to time, for the Purpoſes aforeſaid; any thing herein contained to the contrary notwithſtanding.

The Inhabitants of Philadelphia to be rated in Proportion with the County Taxes.

Paſſed *June* 7th, 1712. Recorded A, Vol. 2. p. 39.

CLXXII. *An* ACT *for the better Government of the City of* Philadelphia. Repealed by the Queen.

Paſſed *June 7th.* 1712. Recorded A, Vol. 2. p. 42.

CLXXIII. *An* ACT *concerning the Regiſter-General's Office,*

WHEREAS by a Law of this Province made in the Year *One Thouſand Seven Hundred and Five*, entituled, *An Act concerning the Probates of written and nuncupative Wills, and for confirming Devices of Lands*, it is amongſt other Things enacted, that there ſhould be an Officer called Regiſter-General, to be commiſſionated by the Governor from time to time, for the Probate of Wills, and Granting Letters of Adminiſtration in this Province; which Regiſter-General ſhould keep his Office at *Philadelphia*; and ſhould from time to time conſtitute a ſufficient Deputy to officiate for him in each of the other Counties of this Province; But inaſmuch as no Regiſter has been commiſſionated and Deputies conſtituted in each County, as the ſaid Act directs: BE IT THEREFORE ENACTED by CHARLES GOOKIN, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief, of the Province of *Pennſylvania*, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That the ſaid Proprietary and Governor in chief, or his Lieutenant Governor for the time being, ſhall, on or before the firſt Day of the Month called *Auguſt* next, commiſſionate a Regiſter-General for the Probate of Wills and Granting Letters of Adminiſtration in this Province. But in caſe of the Removal of ſuch Regiſter-General, by Death or otherwiſe, then another fit Perſon ſhall, within three Weeks after ſuch Removal, be commiſſionated as aforeſaid, in the Room of the Regiſter-General ſo removed, who ſhall keep his Office at *Philadelphia*, as the ſaid Act directs, and ſhall from time to time conſtitute a ſufficient Deputy to officiate for him in each of the ſaid other Counties; who, being by him depured, ſhall be and are hereby impowered to take Probate of Wills and grant Letters of Adminiſtration in the reſpective Counties, and to have a common Seal, according to the Tenor and Direction of the ſaid Act.

4 Anne p. 23.

The Governor to commiſſionat Regiſter-General. a

Who ſhall keep his Office in Philadelphia. and appoint a Deputy in each County

PROVIDED ALWAYS, That if the ſaid Proprietary, or his Lieutenant Governor, ſhall refuſe or neglect to commiſſionate a Regiſter-General from time to time, as this Act directs, then the Commiſſioners, Agents, or Stewards of the ſaid Proprietary his Heirs or Aſſigns, who are or ſhall be impowered to act for him or them in Matters relating to the Seigniory or Propriety of this Province, ſhall commiſſionate a Regiſter-General, within three Weeks after the time hereby appointed for the Governor to do the ſame, But if the ſaid Commiſſioners, Agents or Stewards ſhall refuſe or neglect to do their Duty therein, according to the Direction of this Act, then the Juſtices of the Court of Common-Pleas for the ſaid County

of *Philadelphia* for the time being, or the major Part of them, ſhall, as often as there may be Occaſion, commiſſionate the ſaid Officer, called Regiſter-General, at *Philadelphia*; who ſhall be, and is hereby impowered and required to officiate as fully and effectually as any Regiſter-General ever could or can do, according to the Powers granted by the Royal Charter or by Virtue of the ſaid Act.

The Regiſter General ſhall give Security, &c. And the Bond to be entred upon Record.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That before any Regiſter-General, or his Deputy, ſhall enter upon their reſpective Offices, he ſhall find one or more ſufficient Sureties, together with himſelf, to become bound to the ſaid Proprietary, his Heirs and Aſſigns, Proprietaries of this Province, in a Bond of the Penalty of *Five Hundred Pounds*, for the true and faithful Execution and Diſcharge of his Office, and for the Delivery of the Records, and other Writings, belonging to the ſame, by him, his Heirs, Executors or Adminiſtrators, to his Succeſſor in the the ſaid Office, whole and undefaced: Which ſaid Bond ſhall be entred on Record in the Office of the Prothonotaries or Clerks of the ſaid Court of Common-Pleas in the ſaid reſpective Counties, to be ſafely kept by them, and to be made Uſe of as the ſaid Act directs.

The Regiſter with two or more Juſtices, ſhall decide Caveats, ſettle Accounts and make Diſtributions.

AND BE IT FURTHER ENACTED That where Objections are made, or Caveats entred againſt the proving of any Will or Granting Letters of Adminiſtration; and where there is or ſhall be Occaſion to take the final Accounts of Executors or Adminiſtrators, or make Diſtribution of Decedents Eſtates, the Regiſter-General, and his Deputies, reſpectively, ſhall, in every ſuch Caſe, call to their Aſſiſtance two or more of the Juſtices of the ſaid Courts of Common-Pleas for the County where they are concerned, who are hereby impowered and required to give their Aſſiſtance accordingly, to decide the ſaid Caveats and Matters in Controverſy, ſettle the ſaid Accounts, make Diſtributions, and do all ſuch other judicial Acts as do or ſhall belong, or ought of Right to be done by any Perſon or Perſons having Power by Law to take Probate of Wills, and grant Adminiſtration.

Where the Regiſter cannot adminiſter Oaths, he may apply to any Juſtice. &c.

AND when the Regiſter-General or his Deputies for the time being are, by the Duty of their Office, required to adminiſter Oaths in any Caſe, and ſhall happen to be ſuch who for Conſcience-ſake cannot adminiſter Oaths, they ſhall apply to ſome of the ſaid Juſtices in the proper County, who are hereby impowered and required to adminiſter the ſame; which ſhall be as effectual in Law as if it had been adminiſtred by the Regiſter General or his Deputies reſpectively.

PROVIDED ALWAYS, That nothing in this Act contained ſhall extend or be conſtrued to extend to annihilate or make void the above recited Act, or any Part thereof, ſave only what is hereby expreſſly altered and ſupplied, but that the ſame Act, in every other Reſpect, ſhall remain and be in full Force and Virtue as the ſame ought to have been in, if this Act had not been made; any thing herein before contained to the Contrary in anywiſe notwithſtanding.

Paſſed *June 7th*, 1712. Recorded A, Vol. 1. p. 43.

CLXXIV. *An* ACT *impowering religious Societies to buy, hold and enjoy Lands, Tenements and Hereditaments.* Repealed by the Queen.

Paſſed *June 7th.* 1712. Recorded A Vol. 2. p. 45.

CLXXV. *A Supplementary* ACT *to a Law about the Manner of giving Evidence.* Repealed by the Queen.

Paſſed *June 7th*, 1712. Recorded A, Vol. 2. p. 46.

CLXXVI. *An* ACT *for Eſtabliſhing the Lower-Ferry n the River* Schuylkill, Expired.

Paſſed *June 7th*, 1712. Recorded A, Vol. 1. p. 47.

CLXXVII. *An* ACT *for Eſtabliſhing and Regulating of Ferries over* Delaware-River *and* Neſhaminy-*Creek.* Expired.

Paſſed *June 7th*, 1712. Recorded A, Vol. 1. p. 48.

CLXXVIII. *An* ACT *to prevent the Importation of Negroes and Indians into this Province.* Repealed by the Queen.

Paſſed *June 7th*, 1712. Recorded A, Vol. 2. p. 50.

CLXXIX. *An* ACT *for the further ſecuring the Adminiſtration of the Government.*

WHEREAS it is of the greateſt Importance to the Well-being of any Country to be provided of a regular and plenary Adminiſtration of Government in all Emergencies; and conſidering the Uncertainty of human Life renders all Governments liable to Changes, that may carry great Inconveniencies with them, unleſs due Proviſion be made againſt the ſame, BE IT ENACTED by CHARLES GOOKIN, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute

lute Proprietary and Governor in chief of the Province of *Pennſylvania*, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That in caſe it ſhall pleaſe Almighty GOD at any time in the Abſence of the Governor in chief of this Province, to remove his Lieutenant by Death, or otherwiſe, before ſuch ſufficient Proviſion be made by the Governor in chief for the full Adminiſtration of Government; the Governor's Council, that are in Place at the time of ſuch Lieutenant's Death or Departure out of this Government, or ſo many of them as conveniently can, ſhall forthwith meet at *Philadelphia*; and the firſt named or eldeſt Counſellor, or in caſe of his Abſence or Refuſal, ſuch other Member of Council as a Majority then preſent ſhall chuſe and appoint, with any four or more of the ſaid Counſellors, ſhall be a Quorum; and ſhall have the full Power and Authority of a Governor of this Province, as effectually as any Deputy or Lieutenant commiſſionated by the Governor in chief, may or ought to have; and ſhall accordingly act and exerciſe all the Powers of Government as fully and amply as any Deputy or Lieutenant Governor of this Province may, can or ought to do, Legiſlation excepted, until the ſaid Lieutenant Governor's Return again, or until another Perſon or Perſons ſhall be duly commiſſionated and impowered by the ſaid Governor in chief, or his Heirs, to act in their Stead.

Upon the Death of the Lieutenant Governor, the eldeſt Counſellor, with other four, ſhall have the full Power of a Governor, Legiſlation excepted.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Preſident, or firſt named Member of Council, that ſhall ſucceed at the Time of ſuch Death or Abſence as aforeſaid, ſhall, at their firſt Meering, order that due Notice thereof be tranſmitted by the firſt Opportunity to one of the Secretaries of State in *Great-Britain*, and to the Board of Trade and Plantations; and alſo to the Governor in chief of this Province.

And the Preſident, or eldeſt Counſellor ſhall cauſe due Notice therof to be tranſmitted home.

PROVIDED ALWAYS, That in caſe the Governor in chief ſhall not, within ſix Months after ſuch Death or Abſence of the Lieutenant Governor, nominate another Perſon to be his Lieutenant Governor, and obtain his Approbation from the Queen, or her Succeſſors; then the Power of Lieutenancy intended by this Act to be lodged in the Council ſhall remain and continue until the Governor in chief make further Proviſion as aforeſaid, or until the Queen's Pleaſure be known therein, and no longer.

If no Governor in chief die, the Power to continue to his Lieutenant until &c.

PROVIDED ALSO, That in caſe the ſaid Governor in chief ſhall happen to be removed by Death, or otherwiſe, then it ſhall and may be lawful for his Deputy or Lieutenant for the time being, to exerciſe all the Powers of Government as fully and amply as before, till further Order from her Majeſty, her Heirs or Succeſſors, or the Heirs of the ſaid Proprietary and Governor in chief, which ſhall firſt happen.

If no Governor be nominated by &c. in ſix Months, the Power of Lieutenancy to be lodged in the Council until, &c.

Paſſed June 7th, 1712. Recorded A, Vol, 2. p. 52.

CLXXX. *A Supplementary* ACT *to an Act, intituled,* An Impoſt Act, laying a Duty on Negroes, Rum, Wine, Spirits, Cyder and Veſſels, and appropriating certain Sums of Money ariſing by the ſame, and other publick Stock of this Province. Expired.

Paſſed June 7th, 1712. Recorded A, Vol. 2. p. 53.

At the COURT *at St.* James's *the* 20*th of* February, 1713.

PRESENT,

The QUEEN's *moſt Excellent Majeſty in Council.*

UPON reading this Day at the Board a Repreſentation from the Lords Commiſſioners for Trade and Plantations, ſetting forth, That having received from *William Penn*, Eſq; Proprietary of her Majeſty's Province of *Pennſylvania*, a Collection of Laws, under the Seal of that Province, paſſed there in the Years 1708, 1709, 1710, 1711, and 1712; and having conſidered the ſame, and received the Opinion of her Majeſty's Sollicitor General thereupon, in Point of Law, who has made Objections againſt the confirming ſeveral of them here under named, as unfit for her Majeſty's Royal Approbation, wherein alſo the ſaid Lords Commiſſioners do alſo concur with him, and humbly offer that her Majeſty will be pleaſed to ſignify her Diſallowance of the ſame, *viz.*

An Act for aſcertaining the Rates of Money for Payment of Debts, and preventing Exactions in Contracts and Bargains, made before the Firſt of *May*, 1709, and paſſed in *Pennſylvania*, *October* 14, 1708.

An Act for eſtabliſhing Courts of Judicature, paſſed in *February*, 1710.

An Act for regulating and eſtabliſhing Fees.

An Act for acknowledging and recording of Deeds.

An Act directing an Affirmation to ſuch who cannot for Conſcience Sake take an Oath.

An Act of Privileges to a Freeman.

An Act againſt riotous Sports Plays and Games.

An Act for Priority of Payments of Debts to the Inhabitants of this Province.

An Act for regulating Party Walls and Buildings in *Philadelphia*.

An Act for laying a Duty on Negroes, Wine, Rum and other Spirits, Cyder and Veſſels,

An Act confirming Patents and Grants, 1711.
An Act for better Government of the City of *Philadelphia*.
An Act for impowering religious Societies to buy, hold and enjoy Lands, Tenements and Hereditaments.
A Supplementary Act to a Law about the Manner of giving Evidence.
An Act to prevent the Importation of Negroes and Indians into this Province.
A ſupplementary Act to an Act, *intituled*, an Impoſt Act, laying a Duty on Negroes, Rum, Wine, Spirits, Cyder and Veſſels, and appropriating certain Sums of Money ariſing by the ſame, and other publick Stock of this Province.

Her Majeſty taking the ſame into Conſideration, is pleaſed (with the Advice of her Privy Council) purſuant to the Powers reſerved to her Majeſty, by the Letters Patents under the Great Seal of *England*, to the ſaid *William Penn*, to declare her Diſallowance and Diſapprobation of the ſaid ſeveral Laws; and according to her Majeſty's Pleaſure thereupon, the ſame are hereby repealed, declared void, and of none Effect. And it is further ordered by her Majeſty, that the Deputy Governor, Council and Aſſembly of *Pennſylvania*, be, and they are hereby ſtrictly enjoined and required not to permit the ſaid Laws, or any Part of them, to be from henceforward put in Execution; but that they forthwith declare the ſame to be null and void, to all Intents and Purpoſes, as they will anſwer the contrary.

JOHN POVEY.

At the Court at St. James's *the* 20*th of* February, 1713.

PRESENT.

The QUEEN's *moſt Excellent Majeſty,*

Lord Chancellor,	*Earl of* Marr,
Lord Treaſurer,	*Earl of* Orkney,
Lord Preſident,	*Earl of* Iſlay,
Lord Privy Seal,	*Earl* Ferrers,
Duke of Beaufort,	*Earl of* Portmore,
Duke of Argyle,	*Lord Viſcount* Bolingbroke,
Duke of Athol,	*Lord* North *and* Grey,
Lord Steward,	*Lord* Berkley,
Earl of Northampton,	*Mr. Comptroller,*
	Mr. Secretary Bromley,
Earl of Clarendon,	*Lord Chief Juſtice* Parker,
Earl of Angleſea,	*Lord Chief Juſtice* Trevor,
Earl of Rocheſter,	*Mr. Chancellor of the* Exchequer,
Earl of Abington,	*Sir,* Charles Hedges,

UPON reading this Day at the Board, a Repreſentation from the Commiſſioners of Trade and Plantations, ſetting forth, That having received from *William Penn*, Eſq; Proprietary of her Majeſty's Province of *Pennſylvania*, a Collection of Laws, under the Seal of that Province, paſſed there in 1708, 1709, 1710, 1711, and 1712, and, amongſt others, the ſeveral here under written, which they having peruſed and conſidered, have no Objection againſt them; ſo that in caſe her Majeſty doth not ſee Cauſe within ſix Months to repeal any of them, they will remain in full Force, purſuant to the Charter of Property, granted to the ſaid *William Penn*, viz.

An Act for the better enabling of divers Inhabitants of the Province of Pennſylvania, *to hold and enjoy Lands, Tenements, and Plantations, in the ſame Province;* paſſed the 29th of *September*, 1709.
An Act that no Publick-houſe or Inn within this Province be kept without Licence; paſſed 1710.
An Act to prevent Diſputes which may hereafter ariſe about the Dates of Conveyances, and other Inſtruments and Writings.
An Act for the better improving a good Correſpondence with the Indians. [Expired the 28th of *February*, 1713.]
An Act impowering Commiſſioners to compel the collecting of all Arrearages of former Taxes (Expired)
An Act for raiſing a Supply of Two-pence *per* Pound, *and* Eight Shillings *per Head.* (Expired)
An Act for raiſing Two Thouſand Pounds *for the* Queen's *Uſe, by a Tax of* Five-pence Halfpenny *per* Pound *and* Twenty Shillings *per Head*; paſſed *Auguſt* 10, 1711.

ACTS paſſed 1712.

An Act for better aſcertaining the Publick Debts, and collecting the Arrears of County Levies.
An Act for raiſing Money on the Inhabitants of the City of Philadelphia, *for the publick Uſe and Benefit thereof.*
An Act concerning the Regiſter-General's Office.
An Act for eſtabliſhing the Lower Ferry on the River Schuylkill.
An Act for eſtabliſhing and regulating of Ferries over Delaware *River, and* Neſhaminy *Creek.*
An Act for the further Security of the Adminiſtration of the Government.

Her Majeſty taking the ſame into Conſideration, is pleaſed, with the Advice of her Privy Council, purſuant to the Powers reſerved to her Majeſty, by the Letters Patents under the Great Seal of *England*, to the ſaid *William Penn*, to declare her Approbation of the ſame; and, according to her Majeſty's Royal Pleaſure thereupon expreſſed, the ſaid Laws are hereby confirmed, finally enacted and ratified; whereof the Deputy Governor, Council and Aſſembly of the ſaid Province are to take Notice, and to cauſe them to be effectually obſerved, and put in Execution accordingly.

EDWARD SOUTHWELL.

CLXXXI. *An* ACT *for reviving, explaining and continuing ſeveral Laws in this Act mentioned.* Expired.

Paſſed *March* 27*th*, 1713. Recorded A, Vol. 2. p. 64.

CLXXXII. *An* ACT *for Limitation of Actions.*

BE IT ENACTED by *CHARLES GOOKIN*, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief of the Province of *Pennſylvania*, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That all Actions of Treſpaſs *Quare clauſum fregit*, all Actions of Detinue, Trover and Replevin, for taking away Goods and Cattle, all Actions upon Account and upon the Caſe (other than ſuch Accounts as concern the Trade of Merchandize between Merchant and Merchant, their Factors or Servants) all Actions of Debt, grounded upon any Lending, or Contract without Specialty, all Actions of Debt for Arrearages of Rent (except the Proprietaries Quitrents) and all Actions of Treſpaſs of Aſſault, Menace, Battery, Wounding and Impriſonment, or any of them, which ſhall be ſued or brought at any time after the Five and-twentieth Day of *April* which ſhall be in the Year of our Lord, One Thouſand Seven Hundred and Thirteen, ſhall be commenced and ſued within the Time and Limitation hereafter expreſſed, and not after, *That is to ſay*, the ſaid Actions upon the Caſe (other than for Slander) and the ſaid Actions for Account, and the ſaid Actions for Treſpaſs, Debt, Detinue and Replevin for Goods or Cattle, and the ſaid Actions of Treſpaſs *Quare clauſum fregit*, within three Years after the ſaid Five-and-twentieth Day of *April* next, or within ſix Years next after the Cauſe of ſuch Actions or Suit, and not after.

Actions to be ſued within ſix Years after the Cauſe thereof.

AND the ſaid Actions of Treſpas of Aſſault, Menace, Battery, Wounding, Impriſonment, or any of them, within one Year next after the ſaid Five-and-twentieth Day of *April* next, or within two Years next after the Cauſe of ſuch Actions or Suit, and not after; and the ſaid Actions upon the Caſe for Words within one Year next after the Words ſpoken, and not after.

And thoſe within one and 2 Years.

AND BE IT FURTHER ENACTED, That if in any of the ſaid Actions or Suits Judgment be given for the Plaintiff, and the ſame be reverſed by Error, or a Verdict paſs for the Plaintiff, and upon Matter alledged in Arreſt of Judgment, the Judgment be given againſt the Plaintiff, that he take nothing by his Plaint, Writ or Bill, then, and in every ſuch Caſe the Party Plaintiff, his Heirs, Executors or Adminiſtrators (as the Caſe may require) may commence a new Action or Suit from time to time, within a Year after ſuch Judgment reverſed or given againſt the Plaintiff as aforeſaid, and not after.

If Judgment be given for the Plaintiff, and reverſed, he may commence a new Action within one Year.

AND BE IT FURTHER ENACTED, That in all Actions of Treſpaſs *Quare clauſum fregit*, hereafter to be brought, wherein the Defendant or Defendants ſhall diſclaim in his or their Plea to make any Title or Claim to the Land in which the Treſpaſs is by the Declaration ſuppoſed to be done, and the Treſpaſs be by Negligence or involuntary, the Defendant or Defendants ſhall be admitted to plead a Diſclaimer, and that the Treſpaſs was by Negligence or involuntary, and a Tender or Offer of ſufficient Amends for ſuch Treſpaſs, before the Action brought, whereupon or upon ſome of them, the Plaintiff or Plaintiffs ſhall be inforced to join Iſſue; and if the ſaid Iſſue be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs ſhall be nonſuited, the Plaintiff or Plaintiffs ſhall be clearly barred from the ſaid Action or Actions, and all other Suit concerning the ſame.

Where a Diſclaimer ſhall be allowed.

AND BE IT FURTHER ENACTED, That in all Actions upon the Caſe for ſlanderous Words, to be ſued or proſecuted by any Perſon or Perſons in any Court within this Province, after the ſaid Twenty-fifth of *April* next, if the Jury upon Trial of the Iſſue in ſuch Action, or the Jury that ſhall enquire of the Damages, do find or aſſeſs the Damages under *Forty Shillings*, then the Plaintiff or Plaintiffs in ſuch Action ſhall have and recover only ſo much Coſts as the Damages ſo given or aſſeſſed do amount unto, without any further Increaſe of the ſame; any Law or Uſage to the contrary notwithſtanding.

In Actions of Slander where the Damages is found under 40 s. the Coſts ſhall be the ſame.

PROVIDED NEVERTHELESS, That if any Perſon or Perſons, who is or ſhall be entitled to any ſuch Action of Treſpaſs, Detinue, Trover, Replevin, Actions of Account, Debt, Actions for Treſpaſs, for Aſſault, Menace, Battery, Wounding or Impriſonment, Actions upon the Caſe for Words, be, or at the Time of any Cauſe of ſuch Action, given or accrued, fallen or come, ſhall be, within the Age of twenty-one Years, *Feme Covert*, *Non compos mentis*, impriſoned or beyond Sea, that then ſuch Perſon or Perſons ſhall be at Liberty to bring the ſame Actions, ſo as they take the ſame within ſuch Times as are hereby before limited, after their coming to, or being of full Age, Diſcoverture, of ſound Memory, at large, or returning into this Province as other Perſons.

Proviſo for Perſons under Age, &c having Cauſe of Action.

Paſſed *March* 27*th*. 1713. Recorded A, Vol. 2. p. 71.

CLXXXIII. *An* ACT *for Eſtabliſhing Orphans-Courts.*

WHEREAS by certain Laws of this Province now in force, ſeveral Matters of great Importance are directed to be done by the Orphans Courts, which being diſcontinued by the Repeal of the former Law of Courts, and not hitherto revived, nor effectually ſupplied by another Law, divers Orphans and Perſons concerned for them, or intruſted with their Eſtates, labour under great Inconveniencies; BE IT THEREFORE ENACTED by *CHARLES GOOKIN*, Eſq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; true and abſolute Proprietary and Governor in chief, of the Province of *Pennſylvania*, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That the Juſtices of the Court of the General Quarter-

The Juſtices of the Court of Quarter-Seſſions to hold the Orphans Court. Their Power and Duty.

Seſſions of the Peace in each County of this Province, or ſo many of them as are or ſhall be from time to time enabled to hold thoſe Courts, ſhall have full Power, and are hereby impowered, in the ſame Week that they are or ſhall be by Law directed to hold the ſame Courts, or at ſuch other Times as they ſhall ſee Occaſion, to hold and keep a Court of Record in each of the ſaid Counties; which ſhall be ſtiled, *The Orphans Court*, and to award Proceſs, and cauſe to come before them, all and every ſuch Perſon and Perſons, who as Guardians, Truſtees, Tutors, Executors, Adminiſtrators, or otherwiſe, are or ſhall be intruſted with or anywiſe accountable for any Lands, Tenements, Goods, Chattels or Eſtate belonging or which ſhall belong to any Orphan or Perſon under Age, and cauſe them to make and exhibit, within a reaſonable Time, true and perfect Inventories and Accounts of the ſaid Eſtates; and to cauſe and oblige the Regiſter-General, or ſuch Perſon or Perſons as for the time being ſhall have the Power of Probates of Wills and Granting Letters of Adminiſtration in this Province, or their Deputies upon Application made in that Behalf, to bring or tranſmit into the ſaid Orphans Court true Copies or Duplicates of all ſuch Bonds, Inventories, Accounts, Actings and Proceedings whatſoever, now or hereafter remaining or being in the reſpective Offices, or elſewhere within the Limits of their Authority, as do or ſhall concern or relate to the ſaid Eſtates, or any of them; and to order the Payment of ſuch reaſonable Fees for the ſaid Copies, and for all other Charges, Trouble and Attendance which any Officer or other Perſon ſhall neceſſarily be put upon in the Execution of this Act, as they ſhall think equitable and juſt. And if upon Hearing or Examination thereof it appears to the Juſtices of the ſaid Court that any of the ſaid Officers have misbehaved themſelves to the Prejudice of any Minor, or others concerned for them as aforeſaid, the ſaid Juſtices are hereby required to certify the ſame accordingly, which ſhall be good Evidence for the Party grieved to recover his Damages at common Law.

Letters of Adminiſtration, without giving Bond and Sureties are void.

AND where any Letters of Adminiſtration ſhall be granted, and no Bond with Sureties given as the Law in that Caſe requires, ſuch Letters of Adminiſtration ſhall be and are hereby declared to be void and of none Effect, and that the Officer or Perſon that grants the ſame, and his Sureties, ſhall be, *ipſo facto*, liable to pay all ſuch Damages as ſhall accrue to any Perſon or Perſons by Occaſion of Granting ſuch Adminiſtration. And the Party to whom the ſame ſhall be ſo granted, may be ſued as Executor in his own Wrong, and ſhall be ſo taken and deemed in any Suit to be brought againſt him for or by Reaſon of his ſaid Adminiſtration.

Where the Security appears to the Ophans Court not ſufficient, they ſhall compel ſuch Adminiſtrators to give better.

Or if, upon ſuch Examination, it appears that any of the ſaid Officers have not taken ſufficient Sureties, where the Adminiſtrators may not be of Ability to anſwer or make good the Value of what the Decedent's Eſtate doth or ſhall amount to, then the ſaid Juſtices of the Orphans Court are hereby required and impowered to cauſe all ſuch Adminiſtrators to give better Security to the Regiſter-General, by Bonds, in Manner and Form as the Law preſcribes and under ſuch Penalties, and with ſuch Sureties as the ſaid Juſtices, after they have heard the Objections of Creditors or Perſons concerned (if any ſuch be made ſitting the Court) ſhall approve of. And if it appears that any of the ſaid Adminiſtrators have imbezelled, waſted or miſapplied or ſuffered ſo to be, any Part of the Decedent's Eſtates, or ſhall neglect or refuſe to give Bonds, with Sureties as aforeſaid, then, and in every ſuch Caſe, the ſaid Juſtices ſhall forthwith, by their Sentence, revoke or repeal the Letters of Adminiſtration granted them, and thereupon the ſaid Regiſter-General, or other Perſon then impowered to grant Adminiſtrations as aforeſaid, where ſuch Occaſion happens, are hereby required to grant Letters of Adminiſtration to ſuch Perſon or Perſons (having Right thereunto) as will give Bonds in Manner and Form aforeſaid, who may have their Actions of Trover or Detinue for ſuch Goods or Chattels as came to the Poſſeſſion of the former Adminiſtrators, and ſhall be detained, waſted, imbezelled or miſapplied by any of them, and no Satisfaction made for the ſame.

In caſe Minors Eſtates be in Danger by Executors, the Orphans Court ſhall cauſe ſuch to give Security.

AND BE IT FURTHER ENACTED That when any Complaint is made to any of the ſaid Juſtices that an Executrix, having Minors of her own, or being concerned for others, is married, or like to be eſpouſed to another Husband, without ſecuring the Minors Portions or Eſtates, or that an Executor, or other Perſon, having the Care and Truſt of Minors Eſtates, is like to prove inſolvent, or ſhall refuſe or neglect to exhibit true and perfect Inventories, or give full and juſt Accounts of the ſaid Eſtates come to their Hands or Knowledge, then and in every ſuch Caſe the ſame Juſtices are hereby required forthwith to call an Orphans Court; who ſhall cauſe all and every ſuch Executors and Truſtees, as alſo ſuch Guardians or Tutors of Orphans or Minors as have been formerly appointed, or ſhall at any time hereafter be appointed by the ſaid Court, to give Security to the Orphans or Minors, by Mortgage or Bonds, in ſuch Sums, and with ſuch Sureties as the ſaid Courts ſhall think reaſonable; conditioned for the Performance of their reſpective Truſts, and for the true Payment or Delivery to and for the Uſe and Behoof of ſuch Orphans as they are concerned for (or ſuch as ſhall legally repreſent them) the Legacies, Portions, Shares and Dividends of Eſtates, real and perſonal, belonging to ſuch Orphans or Minors, ſo far as they have Aſſets, as alſo for their Maintenance and Education, as the ſaid Court ſhall think fit to order, for the Benefit and beſt Advantage of ſuch Orphans, as is uſual in ſuch Caſes.

Minors Money may be put to Intereſt.

AND BE IT FURTHER ENACTED That any of the ſaid Executors, Adminiſtrators, Guardians or Truſtees, may by the Leave and Direction of the Orphans Court, put out their Minors Money to Intereſt, upon ſuch Security as the ſaid Court ſhall allow of; and if ſuch Security ſo taken *bona fide*, and without Fraud, ſhall happen to prove inſufficient, it ſhall be the Minor's Loſs. But if no Perſon who may be willing to take the ſaid Money at Intereſt, (with ſuch Security) can be found by the Perſons ſo as aforeſaid concerned for the Minors, nor by any others, then the ſaid Executors, Adminiſtrators, Guardians or Truſtees, ſhall, in ſuch Caſes be reſponſible, for the Principal-Money only, until it can be put out at Intereſt as aforeſaid,

Not exceeding 12 months at one time.

PROVIDED ALWAYS, That the Day of Payment of the Money ſo to be put out to Intereſt, at any one time, ſhall not exceed Twelvemonths from the Date of the Obligation, or other Security given for the

the ſame, and ſo *Toties Quoties*, when and ſo often as the ſaid Money ſhall be paid in or come to the Hands of the ſaid Executors, Guardians or Truſtees.

PROVIDED ALSO, That no Executors, Adminiſtrators or Guardians, ſhall be liable to pay Intereſt but for the Surpluſage of the Decedents Eſtate remaining in their Hands or Power, and belonging to the Minors, when the Accounts of their Adminiſtration are or ought to be ſettled and adjuſted before the ſaid Orphans Courts or Regiſter-General reſpectively.

Further Authority of the Orphans Court.

AND BE IT FURTHER ENACTED, That the Juſtices of the ſaid Orphans Court in the ſaid reſpective Counties, ſhall, by Virtue of this Act, have full Power and Authority to exerciſe all the Powers, Authorities and Juriſdictions granted or mentioned, or intended to be granted to the Orphans Court, in and by a Law of this Province, entituled, *An Act for better ſettling of Inteſtates Eſtates*, and to do, execute and perform all ſuch Matters and Things as the Orphans Court in the ſaid Act, or in any other Act or Law of this Province mentioned, might or ought to have done or performed, according to the true Intent and Meaning thereof; with Power alſo to admit Orphans or Minors, when, and as often as there may be Occaſion, to make choice of Guardians or Tutors, and to appoint Guardians, next Friends or Tutors, over ſuch as the ſaid Court ſhall judge too young or uncapable, according to the Rules of the common Law, to make choice themſelves; and at the Inſtance and Requeſt of the ſaid Executors, Adminiſtrators, Guardians or Tutors, to order and direct the binding or putting out of Minors Apprentices to Trades, Husbandry, or other Imployments as ſhall be thought fit. And that all Guardians and *Prochein Amis*, which ſhall be appointed by any of the ſaid Orphans Court, ſhall be allowed and received, without further Admittance, to proſecute and defend all Actions and Suits relating to the Orphans or Minors, as the Caſe may require, in any Court or Courts of this Province.

Perſons ſummoned and not appearing, &c. may be puniſhed by Impriſonment, &c.

AND if any Perſon or Perſons, being duly ſummoned to appear in any of the ſaid Orphans Courts ten Days before the time appointed for their Appearance, ſhall make Default, the Juſtices may ſend their Attachments for Contempts, and may force Obedience to their Warrants, Sentences and Orders concerning any Matter or Thing cognizable in the ſame Courts, by Impriſonment of Body, or Sequeſtration of Lands or Goods, as fully as any Court of Equity may or can do.

Perſons aggrieved may appeal to the Supream Court.

PROVIDED ALWAYS, That if any Perſon or Perſons ſhall be aggrieved with any definitive Sentence or Judgment of the ſaid Orphans Court, it ſhall be lawful for them to appeal from the ſame to the Supream-Court; which Appeal, upon Security given, as is uſual in ſuch Caſes, ſhall be granted accordingly.

Diſcharges for Money, &c. by Executors, &c. are binding to the Orphans.

AND if any of the ſaid Executors, Adminiſtrators, Guardians or Truſtees did or ſhall receive and give Diſcharges for any Sums of Money, Debts, Rents, or Duties belonging to any Orphan or Minor for whom they were or are intruſted, IT IS HEREBY DECLARED AND ENACTED, That all ſuch Diſcharges or Receipts ſhall be binding to and upon the Orphan or Minor when he or ſhe attains to full Age, and ſhall be moſt effectual in Law to diſcharge the Perſon or Perſons that take the ſame.

Bonds how to be cancelled.

AND when any of the ſaid Minors attain to their full Age, and the Perſon or Perſons ſo as aforeſaid intruſted or concerned for them having rendered their Accounts to the Orphans Court according to the Direction of this and the ſaid other Acts, and paid the Minor their full Due, then ſuch Minors ſhall acknowledge Satisfaction in the ſaid Court: But in caſe any of them refuſe ſo to do, then the ſaid Court ſhall certify how the ſaid Perſons concerned have accounted and paid; which ſhall be a ſufficient Diſcharge to the Guardians or Tutors, and to the Truſtees, Executors or Adminiſtrators who ſhall ſo account and pay, and thereupon all Bonds entered into for Payment of ſuch Orphans Portions ſhall be delivered up and cancelled.

What Perſons may have the Charge of Orphans or Minors.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED, That none of the ſaid Orphans Courts ſhall have any Power to order or commit the Tuition or Guardianſhip of any Orphans or Minors, or bind them Apprentices to any Perſon or Perſons whoſe religious Perſuaſion ſhall be different from what the Parents of ſuch Orphan or Minor profeſſed at the Time of their Deceaſe, or againſt the Minors own Mind or Inclination, ſo far as he or ſhe has Diſcretion and Capacity to expreſs or ſignify the ſame; or to Perſons that are not of good Repute, ſo as others of good Credit, and of the ſame Perſuaſion, may or can be found.

Due Regard to be had to Wills, &c.

PROVIDED ALSO, That the Juſtices of the ſaid Courts, and all others concerned in the Execution of this Act, ſhall have due Regard to the Direction of all *Laſt Wills*, and to the true Intent and Meaning of the Teſtators, in all Matters and Things that ſhall be brought before them concerning the ſame.

Bonds directed to be given by any Law, &c. to be for the Uſe of the Perſons concerned, &c.

AND BE IT FURTHER ENACTED, That all ſuch Bonds or Obligations as are by this Act, or by any other Law of this Province, directed and required to be given to the Regiſter General, and all ſuch Bonds as by any Law are directed to be given by the Regiſter General, or by any other Officers or Perſons in Office whatſoever in this Province, for the due Execution of his or their reſpective Offices or Employments, are hereby declared to be to and for the Uſe of, and in Truſt for the Perſon or Perſons concerned, and that the Benefit thereof ſhall be extended from time to time, for the Relief and Advantage of the Party grieved by the Miſfeazance or Nonfeazance of the Officers that did or ſhall give the ſame.

AND that when any of the ſaid Bonds ſhall be put in Suit, and Judgment thereupon obtained, the Judgment ſhall remain in the ſame Nature the Bonds were, and that no Execution iſſue out thereupon before the Party grieved ſhall, by Writ of *Scire facias*, ſummon the Perſon or Perſons againſt whom the ſaid Judgment is obtained, to appear and ſhew Cauſe why Execution ſhall not iſſue upon the ſaid Judgment. And if the Party grieved ſhall prove what Damages he ſuſtained, and thereupon a Verdict be found for him, the Court of Common Pleas where ſuch Suit is, ſhall award Execution for ſo much as

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the Jury shall then find, with Costs, and no more; and the former Judgment is hereby declared still to remain cautionary for the Satisfaction of such others as shall legally prove themselves damnified, and recover their Damages in Manner aforesaid.

The Register General, &c. required to give Copies of such Bonds, &c.

AND the said Register General, and all others in whose Hands the said Bonds shall be deposited or lodged, are hereby required to give any Person injured, that requests the same, a true Copy of any of the said Bonds, he paying *Three Shillings* for the same, and to produce the Original in Court, upon any Trial that shall be had for the Breach of any of them, if required by the Court; and if the Person in whose Hands the said Bonds shall be lodged or come, shall refuse or delay to give Copies thereof, and produce the Original in Court as aforesaid, he or they shall forfeit and pay to the Party grieved treble Damages, to be recovered against the Officer that gave such Bonds, or his Sureties, by Action of Debt, Bill, Plaint or Information, in any Court in this Province, where no Essoin, Protection or Wager of Law, or any more than one Imparlance shall be allowed.

Passed *March* 27*th*, 1713. Recorded A, Vol. 2. p 73.

CLXXXIV. *An* ACT *for amending divers Laws, therein mentioned.* Repealed by the Lords Justices in Council, *July* 21st, 1719.

Passed *March* 27*th*, 1713. Recorded A, Vol. 2. p. 78.

CLXXXV. *An* ACT *for the laying a Duty or Excise upon sundry Liquors; and also upon Hops, to answer several Exigencies of this Government.* Expired.

Passed *March* 27*th*, 1713. Recorded A, Vol. 2. p. 82.

CLXXXV. *An* ACT *of Privileges to a Freeman.* Repealed by the Lords Justices in Council, *July* 21st, 1719.

1. Geo. I. A.D. 1714.

Passed *May* 28*th*, 1715. Recorded A, Vol. 2. p. 89.

CLXXXVII. *An* ACT *directing Appeals to* Great-Britain.

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Persons finding themselves aggrieved by Judgment, &c. of the the Supream or Admiralty Courts may appeal home.

If the Judgment, &c. be affirmed, &c the Appellant shall pay a. Debts Damages,

BE IT ENACTED by *CHARLES GOOKIN*, Esq; by the Royal Approbation Lieutenant Governor under WILLIAM PENN, Esq; Proprietor and Governor in chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That no Judgment, Sentence or Decree of any of the Supream Courts, or Courts of Admiralty in this Province, shall be so final but that the Party grieved therewith may appeal to the King, his Heirs and Successors so that such Appellant does depositе the Sum or Sums recovered or decreed against him, or become bound, with one or more sufficient Sureties, to the Party for whom such Judgment or Sentence is given by Recognizance in double the Sum adjudged to be recovered by the Sentence, Decree or Judgment of the said Courts, or any of them, *With Condition*, That the Person or Persons appealing shall and will, within eighteen Months after, prosecute his or their Appeal in *Great-Britain*, with Effect; and if the Judgment or Decree be affirmed there, or that the Appellant fails in the Prosecution of his said Appeal within the Time aforesaid, then the said Appellant, or Party in whose Name the Appeal is made, shall pay all the Debts, Damages and Costs adjudged upon the former Judgment, Sentence or Decree, and all such Costs and Damages as shall be awarded for delaying Execution; or they the Sureties shall do the same for him, whereto the Judges, before whom the Recognizance is given, shall subscribe their Hands; and then Execution shall stay, and the Appellant, if taken in Execution, shall be discharged.

Passed *May* 28*th*, 1715. Recorded A, Vol. 2. p. 89.

CLXXXVIII. *An* ACT *for establishing the Courts of general Quarter Sessions in this Province.* Repealed by the Lords Justices in Council, *July* 21st, 1714.

Passed *May* 28*th*, 1715. Recorded A, Vol. 2. p. 90.

CLXXXIX. *An* ACT *for Impowering religious Societies to buy, hold, and enjoy Lands, Tenements and Hereditaments.* Repealed by the Lords Justices in Council, *July* 21st, 1714.

Passed *May* 28*th*, 1715. Recorded A Vol. 2. p. 92.

CXC. *An Affirmation* ACT *for such who for Conscience sake cannot take an Oath.* Supplied

Passed *May* 28*th*, 1715. Recorded A, Vol. 1. p. 93.

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CXCI. *An* ACT *for Corroborating the Circular-Line between the Counties of* Chester *and* New-Caſtle. Repealed by the Lords Juſtices in Council, *July* 21ſt. 1719.

Paſſed May 28th, 1715. Recorded A, Vol. 1. p. 94.

CXCII. *An* ACT *for the better Recovery of Fines and Forfeitures due to the Governor and Government of this Province.*

TO the End that all Fines, Forfeitures, Iſſues and Amerciaments, which were deſigned, and ought to be applied towards Defraying the neceſſary Charge of Supporting the Adminiſtration of this Government, may be duly eſtreated, levied and brought into the Provincial-Stock or Treaſury, that ſo the ſame may go to the Uſes intended; BE IT ENACTED by CHARLES GOOKIN, Eſq; by the Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief, of the Province of *Pennſylvania*, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That all Fines, Iſſues, Amerciaments, forfeited Recognizances, Sum and Sums of Money to be paid, in Lieu, and Satisfaction of them, or any of them, and all other Forfeitures whatſoever, which after the Twenty-fifth Day of *June*, *One Thouſand Seven Hundred and Fifteen*, ſhall be ſet, impoſed, loſt or forfeited in the Supream-Court of this Province, or in any of the Courts of Common-Pleas, Courts of General Quarter-Seſſions of the Peace and Goal-Delivery, or before any ſpecial Commiſſioners of Oyer and Terminer, in any County of this Province, ſhall, by the Juſtices, Prothonotaries and Clerks of the ſaid Courts reſpectively, be certified and eſtreated in and into the ſaid Supream-Court, to be held at *Philadelphia*, on the Twenty-fourth Day of *September*, *One Thouſand Seven Hundred and Sixteen*, expreſſing the Cauſe of the Loſs, the Court, the Nature of the Writ, and Names of the Parties betwixt whom the ſaid Iſſues and Amerciaments are loſt.

All Fines, and Forfeitures to be eſtreated, into the Supream-Court, on Penalty &c.

AND that all Fines, Iſſues, Amerciaments, forfeited Recognizances, Sum and Sums of Money to be paid in Lieu or Satisfaction of them, or any of them, and all other Forfeitures whatſoever ariſing in any of the ſaid Courts, from the ſaid Twenty-fourth Day of *September*, *One Thouſand Seven Hundred and Sixteen*, in every Year, to the Tenth Day of *April*, in every Year, ſhall be, and are hereby ordained and required to be certified and eſtreated in and into the ſaid Supream-Court the laſt Day of every *April* Court, to be held at *Philadelphia*, in every Year, and from the Beginning of every *April* Court there, in every Year, to the Beginning of every *September* Court there in every Year; on Pain that every Officer or Miniſter of or belonging to the ſaid Courts, or any of them, who by this, or any other Law of this Province, ought to make Certificates or Eſtreats of any of the ſaid Fines, Iſſues, Amerciaments and Forfeitures, making Default or offending therein, ſhall forfeit and pay *Thirty Pounds*, current Money of this Province, for every ſuch Default that ſhall be made in Certifying and Eſtreating as aforeſaid, the one Moiety to the Uſe of the Governor, for Supporr of Government, and the other Moiety to ſuch Perſon or Perſons as will ſue for the ſame, to be recovered in any Court of Record in this Province, by Action of Debt, Bill or Information, wherein no Eſſoin, Protection or Wager of Law, and but one Imparlance ſhall be allowed.

Clerks of the Peace, &c. to deliver, yearly, to the Sheriff, a Schedule of Fines, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all the Clerks of the Peace, and Town-Clerks, and every of them within this Province, ſhall make and deliver, yearly, to the Sheriff of the reſpective County, City or Town corporate, where the Seſſions of the Peace is or ſhall be kept within ten Days after the firſt Day of *November*, in every Year, a true and perfect Eſtreat or Schedule of all Fines, Iſſues, Amerciaments, forfeited Recognizances, Sum and Sums of Money, and other Forfeitures whatſoever, which ſhall happen to be impoſed, ſet, loſt or forfeited in any of the ſaid Seſſions of the Peace reſpectively, which ſhall be held before the ſaid firſt Day of *November*, by or upon any Perſon or Perſons whatſoever, due to the Governor or Government of this Province.

And a Dupplicate thereof into the Supream-Court.

AND alſo, ſhall yearly and every Year, on or before the tenth Day of *April*, make and deliver into the ſaid Supream-Court a true and perfect Duplicate, Certificate and Eſtreat of all the Schedules ſo delivered to the ſaid reſpective Sheriffs, that ſo they, on their Oppoſals in the ſaid Supream-Court, may be charged with the Money levied and received by them reſpectively upon ſuch Schedules delivered as aforeſaid, on Pain that every Perſon and Perſons offending herein, for every ſuch Default or Failure made, ſhall forfeit and pay *Thirty Pounds*, current Money of this Province, the one Moiety to the Uſe of the Governor for Support of Government, and the other Moiety to ſuch Perſon or Perſons as will ſue for the ſame, to be recovered as aforeſaid.

Juſtices of the Supream Court ſhall award Proceſs for levying Fines, &c.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That the Juſtices of the ſaid Supream Court ſhall award Proceſs for levying, as well of ſuch Fines, Forfeitures, Iſſues and Amerciaments as ſhall be eſtreated into the Supream Court, as of all the Fines, Forfeitures, Iſſues and Amerciaments which ſhall be loſt, taxed and ſet there, and not paid to the Uſes they ſhall be appropriated.

No Juſtice, &c of the reſpective Courts, to ſpare, conceal, &c. any Indictment, &c unleſs it be by Rule of Court; nor miſcertify any Fine, &c.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That no Juſtice, Officer or Miniſter of or belonging to any of the ſaid Courts, nor any Prothonotary or Clerk of the ſaid Supream, or other Courts, Clerk of the Peace, Town Clerk, nor any Officer or Miniſter under them, or any of them; nor other Perſon or Perſons whatſoever, do or ſhall ſpare, take off, diſcharge, or wittingly or willingly conceal any Indictment, Fine, Iſſue, Amerciament, forfeited Recognizance, or other Forfeiture whatſoever, exhibited, ſet, impoſed, loſt or forfeited in any of the Courts above-mentioned, or before any of the Judges, Juſtices or Commiſſioners of or belonging to the ſame; or any Sum or Sums

of Money paid, or to be paid to any Officer or Officers, in Lieu or Satisfaction of any Fine or Forfeiture (unleſs it be by Rule or Order of Court where ſuch Indictment, Fine, Iſſue, Amerciament, forfeited Recognizance or other Forfeiture is or ſhall be exhibited, ſet, impoſed, loſt or forfeited) nor ſhall any of the ſaid Juſtices, Officers or Miniſters aforeſaid, or any other, wittingly or willingly miſcertify or eſtreat in or into any of the ſaid Supream Courts, any Fine, Iſſue, Amerciament, forfeited Recognizance or other Forfeiture whatſoever, whereby the Proceſs of the ſaid Supream Court for the levying thereof may be made invalid and of none Effect: But every ſuch Juſtice, Officer and Miniſter, and all and every other Perſon and Perſons offending herein, ſhall for every ſuch Offence forfeit and pay treble the Value of ſuch Fine, Iſſue, Amerciament, forfeited Recognizance, Sum or Sums of Money, or other Forfeiture ſo ſpared, taken off, diſcharged, concealed, not certified or eſtreated, or miſcertified, or eſtreated as aforeſaid; the one Moiety thereof to the Governor, for Support of Government, and the other Moiety to ſuch Perſon or Perſons as will ſue for the ſame; to be recovered as aforeſaid.

Penalty.

Eſtreats to be delivered into the Supream Courts upon Oath or Affirmation.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all Clerks and Prothonotaries of the ſaid Courts, Clerks of the Peace, Town-Clerks, and others to whom it belongs to make Return of Eſtreats into the ſaid Supream Court, ſhall deliver in all and every ſuch Eſtrear and Eſtreats, upon their Oaths or Affirmations, to be adminiſtred by one or more of the Judges of the ſame Court, to the Effect following, *That is to ſay*,

"YOU ſhall declare, *That theſe Eſtreats now by you delivered are truly and carefully made up and examined; and that all Fines, Iſſues, Amerciaments, Recognizances and Forfeitures which were ſet, loſt, impoſed or forfeited, and in right and due Courſe of Law ought to be eſtreated in the Supream Court of* Pennſylvania, *are (to the beſt of your Knowledge and Underſtanding) herein contained; and that in the ſame Eſtreats are alſo contained and expreſſed all ſuch Fines and Amerciaments as have been paid into the Court from which the ſaid Eſtreats are made, without any willful or fraudulent Diſcharge, Omiſſion, Miſnomer or Defect whatſoever.*"

Eſtreats ſhall be viewed by any two Judges of the Supream Court; who in immoderate Fines &c. may give Relief.

AND BE IT FURTHER ENACTED, That any two of the Judges of the ſaid Supream Court for the time being ſhall view all the ſaid Eſtreats, and cauſe their Clerk to enrol them in the ſaid Court; and ſhall hear and determine all Complaints brought before them concerning immoderate Fines, Iſſues or Amerciaments eſtreated as aforeſaid, and give Relief to the Party grieved as the Law in *Great-Britain* in ſuch Caſes doth or ſhall direct.

Where any Fine, &c. ſhall be paid to any Sheriff, &c. and eſtreated, Proceſs ſhall iſſue out of the Supream Court againſt them.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That where any Fine or Fines, Sum or Sums of Money, or other Forfeitures, due to the Governor or Government of this Province after the ſaid Twenty-fifth Day of *June*, One Thouſand Seven Hundred and Fifteen, ſhall be paid to any Sheriff, Clerk, or other Officer or Miniſter whatſoever, belonging to any Court or Courts in this Province, and be, according to the Intent and Directions of this Act, certified and eſtreated in or into the ſaid Supream Court; then, and in ſuch Caſe, Proceſs ſhall iſſue out of the ſaid Supream Court directed to the Sheriff or Coroner of the proper County, againſt ſuch Officers and other Perſons to whom ſuch Fines, Sum or Sums of Money, or other Forfeiture is or ſhall be ſo paid, for levying and receiving the ſame, that ſo it may appear when, to whom, and how ſuch Monies are received, anſwered and paid.

All Fines levied, except, &c. ſhall be paid to the Provincial Treaſurer, who ſhall pay the ſame to the Uſes appropriated.

AND BE IT FURTHER ENACTED, That all and every the ſaid Fines, Sums of Money, or other Forfeitures (excepting ſuch as are by Law appropriated to the Poor, or for repairing Highways and Bridges, or any other particular Uſes in the ſaid reſpective Counties, or City of *Philadelphia*) which from henceforth ſhall be levied or received according to the Intent and Directions of this Act, ſhall be paid by the Sheriff, or other Officer or Miniſter who levied or received the ſame, to ſuch Perſon as the Aſſembly of this Province ſhall from time to time appoint Provincial Treaſurer; who ſhall pay the ſame to the Uſes the ſame are or ſhall be reſpectively appropriated: And the ſaid Treaſurer ſhall from time to time lay an Account thereof before the Governor and Aſſembly for the time being; and ſhall deduct *Five per Cent.* for his Trouble in paying and receiving the ſame.

His Allowance.

PROVIDED ALWAYS, That nothing in this Act contained ſhall extend to be anyways prejudicial to the Charter of the City of *Philadelphia*; but that the ſaid City may have and enjoy the Fines and Forfeitures granted them by the ſaid Charter as if this Act had not been made.

This Act ſhall not prejudice the City Charter

The Secretary ſhall, yearly, give an Account to the ſaid Treaſurer of Licences to Publick-houſes.

AND BE IT FURTHER ENACTED, That the Secretary, or his Deputy who draws Licences for keeping Publick-Houſes, and ſelling Wine and other Liquors in any Town or Place of this Province, ſhall keep a true and juſt Account of all the ſaid Licences, expreſſing the Time when, the Perſons Names to whom the ſame were granted, and where they live; and ſhall certify the ſame to the ſaid Treaſurer for the time being, on the firſt Day of *November*, in every Year, upon Pain of forfeiting and paying the Sum of *Twenty Pounds*, Money of this Province, for every Default or Neglect in that Behalf; the one Moiety thereof to the Governor for Support of Government, and the other Moiety to him or them that will ſue for the ſame, to be recovered as aforeſaid.

Paſſed *May* 28th, 1715. Recorded A, Vol. 2. p. 97.

CXCIII. *An* ACT *for the Aſſigning of Bonds, Specialties and Promiſory-Notes.*

Preamble.

WHEREAS it hath been held, That Bonds and Specialties under Hand and Seal, and Notes in Writing, ſigned by the Party who makes the ſame, whereby ſuch Party is obliged, or promiſes, to pay unto any other Perſon, or his Order or Aſſigns, any Sum of Money therein mentioned, are not, by Law, aſſignable or indorſable over to any Perſon, ſo as that the Perſon to whom the ſaid Bonds, Specialties, Note or Notes is or are aſſigned or indorſed may, in their own Names, by Action at Law, or otherwiſe, recover the ſame; Therefore, to the Intent to encourage Trade, Commerce and Credit,

BE

BE IT ENACTED by CHARLES GOOKIN, Esq; by the Royal Approbation Lieutenant Governor under WILLIAM PENN, Esq; Proprietary and Governor in chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That all Bonds, Specialties and Notes in Writing, made or to be made, and signed by any Person or Persons, whereby such Person or Persons is or are obliged, or doth or shall promise to pay to any other Person or Persons, his, her or their Order or Assigns, any Sum or Sums of Money mentioned in such Bonds, Specialties, Note or Notes, may, by the Person or Persons to whom the same is or are made payable, be assigned, indorsed and made over to such Person or Persons as shall think fit to accept thereof. Bonds, &c. may be assigned to any Person.

AND that the Person or Persons to whom such Bonds, Specialties or Notes are or shall be assigned, indorsed or made over, their Factors Agents, Executors or Assigns may, at his, her or their Pleasure, again assign, indorse and make over the same, and so *Toties Quoties*. Such Assignees may assign again.

AND that it shall and may be lawful for the Person or Persons to whom the said Bonds, Specialties or Notes are assigned, indorsed or made over as aforesaid, in his, her or their own Name or Names, to commence and prosecute his, her or their Actions at Law, for Recovery of the Money mentioned in such Bonds, Specialties or Notes, or so much thereof as shall appear to be due at the Time of such Assignment in like Manner as the Person or Persons to whom the same was or were made payable, might or could have done. And sue in their own Names.

AND in every such Action the Plaintiff or Plaintiffs shall recover his, her or their Damages and Costs of Suit; and if such Plaintiff or Plaintiffs shall be non suited, or a Verdict be given against him, her or them, the Defendant or Defendants shall recover his, her or their Costs against the Plaintiff or Plaintiffs. And recover Damages and Costs.

AND every such Plaintiff or Plaintiffs, Defendant or Defendants respectively recovering, may sue out Execution for such Damages and Costs in the like Manner as is usual for Damages and Costs in other Cases. And sue out Execution, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all and every such Actions on such Promisory-Notes shall be commenced, sued and brought within such Time as is appointed for commencing or suing Actions upon the Case by an Act of this Province, passed in the Eleventh and Twelfth Years of the late Queen *Anne*, intituled, *An Act for Limitation of Actions*. Limitation of Actions on Promisory Notes. ante 53

PROVIDED ALWAYS, That no Person or Persons shall have Power by Virtue of this Act to make, issue or give out any Bonds, Specialties or Notes by themselves or Servants, than such as they might have made, issued and given out if this Act had never been made.

AND that all Assignments made of Bonds and Specialties shall be under Hand and Seal, before two or more credible Witnesses. assignments to be under Hand and Seal, &c.

PROVIDED ALSO, That it shall not be in the Power of the Assignors, after Assignment made as aforesaid, to release any of the Debts or Sums of Money really due by the said Bonds, Specialties or Notes. After Assignment the Assignor not to release.

Passed *May 28th.* 1715. Recorded A, Vol. 2. p. 101.

CXCIV. *An* ACT *for Acknowledging and Recording of Deeds.*

BE IT ENACTED by *CHARLES GOOKIN*, Esq; by the Royal Approbation Lieutenant Governor under WILLIAM PENN, Esq; Proprietary and Governor in chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That there shall be an Office of Record in each County of this Province, which shall be called and stiled, *The Office for Recording of Deeds*; and shall be kept in some convenient Place in the said respective Counties and the Recorder shall duly attend the Service of the same, and, at his own proper Costs and Charges, shall provide Parchment, or good large Books of Royal, or other large Paper, well bound and covered, wherein he shall record, in a fair and legible Hand, all Deeds and Conveyances which shall be brought to him for that Purpose, according to the true Intent and Meaning of this Act. An Office for recording of Deeds, in each County established. All Deeds before they may be recorded, to be acknowledged by the Grantor &c.

AND BE IT FURTHER ENACTED That all Bargains and Sales, Deeds and Conveyances of Lands, Tenements and Hereditaments in this Province, may be recorded in the said Office; but before the same shall be so recorded, the Parties concerned shall procure the Grantor or Bargainor named in every such Deed, or else two or more of the Witnesses (who were present at the Execution thereof) to come before one of the Justices of Peace, of the proper County or City where the Lands lie, who is hereby impowered to take such Acknowledgment of the Grantor, if one, or of one of the Grantors, if more. Or proved by Witnesses, upon Oath, &c. and the Acknowledgment or Proof to be certify'd on the Back of such Deed, by the Justice.

BUT in case the Grantor be dead, or cannot appear, then the Witnesses brought before such Justice shall by him be examined upon Oath or Affirmation, to prove the Execution of the Deed then produced: Whereupon the same Justice shall, under his Hand and Seal, certify such Acknowledgment or Proof upon the Back of the Deed, with the Day and Year when the same was made, and by whom: And that after the Recorder has recorded any of the said Deeds, he shall certify, on the Back thereof, under his Hand and Seal of his Office, the Day he entred it, and the Name or Number of the Book or Roll and Page where the same is entred.

AND BE IT FURTHER ENACTED That all Deeds and Conveyances made and granted out of this Province, and brought hither and recorded in the County where the Lands lie the Execution thereof being first proved by the Oath or solemn Affirmation of one or more of the Witnesses thereunto Deeds made out of this Province, proved & recorded, shall be valid, &c.

thereunto, before one or more of the Juſtices of the Peace of this Province, or before any Mayor or chief Magiſtrate or Officer of the Cities, Towns or Places where ſuch Deeds or Conveyances are or ſhall be made or executed, and accordingly certified under the Common or Publick-Seal of the Cities Towns or Places where ſuch Deeds or Conveyances are ſo proved reſpectively) ſhall be as valid as if the ſame had been made, acknowledged or proved in the proper County where the Lands lie in this Province.

Deeds ſo acknowledged and recorded and Copies thereof ſhall be of the ſame Force as Deeds of Feoffment, &c. or inrolled in Great-Britain.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all Deeds and Conveyances made or to be made, and proved or acknowledged and recorded as aforeſaid, which ſhall appear ſo to be by Indorſment made thereon acording to the true Intent and Meaning of this Act, ſhall be of the ſame Force and Effect here, for the giving Poſſeſſion and Seizin, and making good the Title and Aſſurance of the ſaid Lands, Tenements and Hereditaments, as Deeds of Feoffment, with Livery and Seizin, or Deeds enrolled in any of the King's Courts of Record at *Weſtminſter*, are or ſhall be in the Kingdom of *Great Britain*. And the Copies or Exemplifications of all Deeds ſo inrolled being examined by the Recorder, and certified under the Seal of the proper Office (which the Recorder, or Keeper thereof, is hereby required to affix thereto) ſhall be allowed in all Courts where produced, and are hereby declared and enacted to be as good Evidence and as valid and effectual in Law as the Original Deeds themſelves, or as Bargains and Sales inrolled in the ſaid Courts at *Weſtminſter*, and Copies thereof, can be; and that the ſame may be ſhewed, pleaded and made Uſe of accordingly.

The Words *Grant, Bargain, Sell*, to be an expreſs Covenant that the Eſtate was free from Incumbrances, &c.

AND BE IT FURTHER ENACTED, That all Deeds to be recorded in Purſuance of this Act, whereby any Eſtate of Inheritance in Fee-ſimple ſhall hereafter be limited to the Grantee and his Heirs, the Words *Grant, Bargain, Sell*, ſhall be adjudged an expreſs Covenant to the Grantee, his Heirs and Aſſigns, *to wit*, That the Grantor was ſeized of an indefeazable Eſtate in Fee-ſimple, free'd from Incumbrances done or ſuffered from the Grantor (excepting the Rents and Services due to the Lord of the Fee) as alſo for quiet Enjoyment againſt the Grantor, his Heirs and Aſſigns (unleſs limited by expreſs Words contain'd in ſuch Deed) and that the Grantee, his Heirs, Executors, Adminiſtrators and Aſſigns may, in any Action, aſſign Breaches, as if ſuch Covenants were expreſſly inſerted.

Leaſes &c. excepted.

PROVIDED ALWAYS, That this Act ſhall not extend to Leaſes at Rack-Rent, or to Leaſes not exceeding One-and-Twenty Years, where the actual Poſſeſſion goes with the Leaſe.

The Penalties againſt Forgers of ſaid Acknowledgments, and Perſons guilty of Perjury.

AND BE IT FURTHER ENACTED, That if any Perſon ſhall forge any Entry of the ſaid Acknowledgments, Certificates or Indorſements, whereby the Freehold or Inheritance of any Man may be charged, he ſhall be liable to the Penalties againſt Forgers of falſe Deeds &c. And if any Perſon ſhall perjure himſelf in any of the Caſes herein above-mentioned, he ſhall incur the like Penalties as if the Oath or Affirmation had been in any Court of Record.

No Mortgage good unleſs acknowledged and recorded in ſix Months.

AND BE IT FURTHER ENACTED, That no Deed or Mortgage, or defeazable Deed, in the Nature of Mortgages, hereafter to be made, ſhall be good or ſufficient to convey or paſs any Freehold or Inheritance, or to grant any Eſtate therein for Life or Years, unleſs ſuch Deed be acknowledged or proved, and recorded within ſix Months after the Date thereof, where ſuch Lands lie, as herein before directed for other Deeds.

Mortgagee having received his Money ſhall enter Satisfaction on the Margin of the Record.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That any Mortgagee of any real or perſonal Eſtates in this Province, having received full Satisfaction and Payment of all ſuch Sum and Sums of Money as are really due to him by ſuch Mortgage, ſhall, at the Requeſt of the Mortgager, enter Satisfaction upon the Margin of the Record of ſuch Mortgage recorded in the ſaid Office; which ſhall forever thereafter diſcharge, defeat and releaſe the ſame; and ſhall likewiſe bar all Actions brought or to be brought thereupon.

Penalty on not making ſuch Acknowledgment, &c.

AND if ſuch Mortgagee, by himſelf or his Attorney, ſhall not, within three Months after Requeſt and Tender made for his reaſonable Charges, repair to the ſaid Office, and there make ſuch Acknowledgment as aforeſaid, he, ſhe or they neglecting ſo to do, ſhall for every ſuch Offence forfeit and pay unto the Party or Parties aggrieved any Sum not exceeding the Mortgage-Money, to be recovered in any Court of Record within this Province, by Bill, Plaint or Information.

What Perſons ſhall be Recorders of Deeds.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That *Charles Brockden*, of *Philadelphia* Gent. ſhall be Recorder of Deeds for the City and County of *Philadelphia*, and the ſeveral Prothonotaries or County-Clerks of *Bucks* and *Cheſter*, in this Province, ſhall be Recorders of Deeds for the ſaid reſpective Counties, who ſhall continue in their ſaid Office until a Majority of the Juſtices of the Courts of Quarter-Seſſions, in the ſaid reſpective Counties, ſhall ſee Occaſion to remove them, and appoint others in their Places. But before any of the ſaid Recorders enter upon their reſpective Offices, they ſhall find Sureties as follows, *viz.* The ſaid Recorder of Deeds for the County and City of *Philadelphia*, ſhall become bound to the Governor of this Province for the Time being, with one or more ſufficient Sureties, in a Bond of *Five Hundred Pounds*, conditioned for the true and faithful Execution of his Office, and for Delivering up the Records and other Writings belonging to the ſaid Office whole, ſafe and undefaced, to his Succeſſor in the ſaid Office: And the ſaid County-Clerks of *Bucks* and *Cheſter*, ſhall each of them, with one or more Sureties, become bound as aforeſaid, in a Bond of *Two Hundred Pounds*, conditioned as aforeſaid. Which ſaid reſpective Bonds ſhall be filed in the Secretary's Office, and there ſafely kept in order to be made Uſe of for making Satisfaction to the Parties that ſhall be damnified or aggrieved, as is or ſhall be in ſuch Caſes directed by the Laws of this Province.

Recorders to give Security, &c. Their Bonds to be filed in the Secretary's Office, &c.

AND no Recorder of Deeds whatſoever, now or hereafter appointed as aforeſaid, ſhall enter upon or officiate

officiate in his ſaid Office, before he hath given ſuch Security as aforeſaid, upon Pain of forfeiting the Sum of *One Hundred Pounds*, the one Half to the Governor, for Support of Government, and the other Half to him or them that ſhall ſue for the ſame, to be recovered as aforeſaid. Penalty on the Recorder for entring on his Office before Security given.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Recorders, reſpectively, ſhall have and receive for Recording, and for Copying or Exemplifying all Deeds, Conveyances and Writings entred in the ſaid Office, *One Half-penny* for every Line, containing not leſs than twelve Words; and for every Search *One Shilling*; and for every Acknowledging Satisfaction, in the Margin of a Mortgage, recorded as aforeſaid, *One Shilling*; and ſhall have and receive for affixing the Seal to every Exemplification, *One Shilling*, and for the Seal of Office and Indorſement of Certificate on each Deed acknowledged, and his Hand thereto, *One Shilling Six-pence*. Fees allowed to the ſaid Recorders.

AND if any of the ſaid Recorders ſhall exact or take any more or greater Fees, he or they ſo offending, ſhall, for every Offence, forfeit and pay the Sum of *Five Pounds*, one Half thereof to the Governor, for Support of Government, and the other Half to him or them that ſhall ſue for the ſame, to be recovered as aforeſaid. Penalty on Exacting.

Paſſed *May* 28*th*, 1715. Recorded A, Vol. 2. p. 102.

CXCV. *An* ACT *for the Eaſe of ſuch as conſciencioufly ſcruple to take the ſolemn Affirmation formerly allowed in* Great-Britain. Repealed by the Lords Juſtices in Council, *July* 21ſt, 1719.

Paſſed *May* 28*th*, 1715. Recorded A, Vol. 2. p. 105.

CXCVI. *An* ACT *for continuing a friendly Correſpondence with the Indians.* Expired.

Paſſed *May* 28th, 1715. Recorded A, Vol. 2. p. 106.

CXCVII. *An* ACT *for better determining of Debts and Demands under* Forty Shillings, *and for laying aſide the two Weeks Court in the City of* Philadelphia.

WHEREAS the ſeveral Laws of this Province for determining ſmall Debts, without Formality of Trial, were deſigned for the Eaſe and Conveniency of the Subject; but Complaint is made by many of the Inhabitants of the City and County of *Philadelphia*, that the Manner of putting the ſame in Execution by ſome of the ſaid City Magiſtrates and Officers, proves very chargeable and inconvenient: For Remedy whereof, BE IT ENACTED by *CHARLES GOOKIN*, Eſq; by the Royal Approbation Lieutenant Governor under WILLIAM PENN, Eſq; abſolute Proprietary and Governor in chief of the Province of *Pennſylvania*, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That upon Complaint made to any Juſtice of the Peace in this Province againſt any Perſon or Perſons, for any Debt or Demand under *Forty Shillings*, it ſhall and may be lawful for ſuch Juſtice, and he is hereby impowered and required to iſſue forth his Warrant, in the Nature of a Summons, Capias or Attachment as the Caſe may require, directed to the Conſtable of the Townſhip or Diſtrict where the Defendant dwells or can be found, commanding him to bring, or cauſe ſuch Defendant to come, with the Plaintiff, before him or the next Juſtice forthwith; and when ſuch Juſtice hath heard the Proofs and Allegations of both Parties (or ſome of them as will be preſent) he ſhall forthwith give Judgment in the Matter, which ſhall be final and concluſive to both Complainant and Defendant, without further Appeal. But the Juſtice that gives ſuch Judgment ſhall keep fair Entries of the Names of the Complainants and Defendants, and the Debt or Sum contained in ſuch Judgment, with the Day and Year when the ſame was given. And Execution if required ſhall be awarded by the Juſtice againſt the Body and Goods or Effects of the Defendant or Perſon refuſing to comply with ſuch Judgment, directed to the Conſtable; but if the Defendant produceth Effects ſufficient to ſatisfy the Sum contained in ſuch Execution, his Body ſhall not be held any longer: But for Want of ſuch Effects, the Conſtable is hereby required to take ſuch Defendant into the Goal of the proper County; and the Sheriff or Keeper of ſuch Goal is hereby required to receive the Perſon ſo taken in Execution, and him ſafely keep, till the Sum recovered, with Coſts, be paid, or Satisfaction made by Goods or otherwiſe; which Goods ſhall, within three Days after, be ſold by publick Vendue, and the Overplus, if any, after reaſonable Charges deducted, returned to the Owner.

Any Juſtice on Complaint may iſſue his Warrant to the Conſtable for Debts under 40 s. And give final Judgment. Keep Entries of ſuch Judgments. Award Execution. For Want of Effects to be impriſoned, &c. Goods to be ſold within three Days after.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Court in this Province ſhall have Cognizance of any of the ſaid Debts or Demands under *Forty Shillings*, nor ſhall the ſame be determined by any Juſtice or Magiſtrate any other Way than this Act directs; any Law, Ordinance or Uſage to the contrary in anywiſe notwithſtanding. No Court to have Cognizance of any Debts under 40 s.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all and every the Ordinances and By-Laws of the ſaid City, made or pretended to be made, for better executing the ſaid Laws for determining of ſmall Debts, and for erecting a Court or Courts for that Purpoſe, ſhall be and are hereby declared to be null and void; and that all and every the ſaid Courts ſo erected, uſually held by the Mayor or Recorder, with one or more of the Aldermen of the ſaid City, commonly called *The Forty Shillings*, or *Two Weeks Court*, or by what Name ſoever, the ſame may be called; and all Juriſdiction and Authority belonging to or exerciſed in the ſaid Courts, or by any of the Magiſtrates or Miniſters thereof, City Ordinances for determining ſmall Debts declared void. And the 40 s. Court diſſolved,

thereof, in hearing and determining Debts or Demands therein of *Forty Shillings* and under, be clearly and abſolutely diſſolved, taken away and aboliſhed.

Repeal of all Laws for determining Debts under 40 s. except, &c.

AND that all the Laws or Acts of Aſſembly of this Province heretofore made for determining Debts of *Forty Shillings* or under (ſaving a Law, intituled, *An Act about Attachments under* Forty Shillings, paſſed in the Twelfth Year of the late King *William* the Third) and every Matter, Clauſe and Thing therein contained, ſhall be, and are hereby declared to be repealed, annulled and for ever made void, any Thing in the ſaid Acts to the contrary in anywiſe notwithſtanding.

No Juſtice to hear any Debt for Rents or Contracts for real Eſtate.

PROVIDED ALWAYS, That nothing herein contained ſhall extend to enable any of the ſaid Juſtices of the Peace within the reſpective Counties of this Province, nor any of the Magiſtrates of the City of *Philadelphia*, within the ſame City, to hear any Debt for Rents or Contracts for real Eſtates.

Paſſed *May* 28*th*, 1715. Recorded A, Vol. 2. p. 108.

CXCVIII. *An* ACT *for erecting a Supream or Provincial Court of Law and Equity in this Province.* Repealed by the Lords Juſtices in Council, *July* 21ſt, 1719.

Paſſed *May* 28*th*, 1715. Recorded A, Vol. 2. p. 109.

CXCIX. *An* ACT *for eſtabliſhing the ſeveral Courts of Common Pleas in this Province.* Repealed by the Lords Juſtices in Council, *July* 21ſt, 1719.

Paſſed *May* 28*th*, 1715. Recorded A, Vol. 2. p. 112.

CC. *An* ACT *for the better aſcertaining the Practice of the Courts of Judicature in this Province.* Repealed by the Lords Juſtices in Council, *July* 21ſt, 1719,

Paſſed *May* 28*th*, 1715. Recorded A, Vol. 2. p 114.

CCI. *An* ACT *for raiſing a Supply of* One Penny *in the* Pound, *and* Four Shillings *a Head; and for reviving other Acts therein mentioned.* Expired.

Paſſed *May* 28*th*. 1715. Recorded A, Vol. 2. p. 120.

CCII. *An* ACT *for regulating and eſtabliſhing Fees.* Supplied.

Paſſed *May* 28*th*, 1715. Recorded A, Vol. 2. p. 128.

CCIII. *An* ACT *for laying a Duty on Wine, Rum, Brandy and Spirits, Cyder and Hops, imported into this Province.* Repealed by the Lords Juſtices in Council, *July* 21ſt. 1719.

Paſſed *May* 28*th*. 1715. Recorded A, Vol. 2. p. 538.

CCIV. *An* ACT *for laying a Duty on Negroes imported into this Province.* Repealed by the Lords Juſtices in Council, *July* 21ſt, 1719.

Paſſed *May* 28*th*, 1715. Recorded A, Vol, 2. p. 142.

II. Geo. I. A. D. 1715

CCV. *An* ACT *to enlarge the Time for putting in Execution a Law paſs'd in the laſt Seſſions of Aſſembly, held for this Province, intituled,* An Act for raiſing a Supply of *One Penny* in the Pound, and *Four Shillings* a Head; and for Reviving other Acts therein mentioned. *Obſolete.*

Paſſed *October* 29*th*, 1715. Recorded A, Vol. 2. p. 146.

CCVI. *An* ACT *for Reviving of Actions and Proceſs, lately depending in the Courts of the County of* Cheſter, *and for Supplying other Defects, relating to Proceedings at Law in all the Courts of Common-Pleas in this Province.*

Paſſed *October* 29*th*, 1715. Recorded A Vol. 2. p. 148

IV. Geo. I. A. D. 1717.

CCVII. *An* ACT *for Raiſing a Supply of* One Penny, *per Pound, and* Four Shillings *a Head.* Expired.

Paſſed *Auguſt* 24*th*. 1717. Recorded A, Vol. 2. p. 150.

CCVIII. *An* ACT *for the better Regulating of Elections of Sheriffs, Coroners and Aſſeſſors.*

WHEREAS the Manner of carrying on the ſaid Elections, differing from the peaceable Method eſtabliſhed for chuſing Members of Aſſembly, has occaſioned ſome Diſorders and Tumults, which ſhould

should be avoided for the future: THEREFORE IT IS ENACTED by WILLIAM KEITH, Esq; by the King's Royal Approbation Lieutenant Governor under WILLIAM PENN, Esq; Proprietary and Governor in chief, of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That such Persons as have no Right to elect or be elected, according to a Law of this Province, made in the Fourth Year of the late Queen *Ann*'s Reign, entituled, *An Act to ascertain the Number of Members of Assembly, and to regulate the Elections*, shall not have any Right of electing or being elected Sheriffs, Coroners or Assessors in or for any County of this Province.

Who have Right of Electing or being elected Sheriffs, Coroners and Assessors.

AND that all and every Person and Persons who, by Virtue of the said Act, shall from time to time come to elect Representatives to serve in Assembly, shall deliver, in Writing, to the Judges of those respective Elections, in one Piece of Paper, distinctly written, as well the Names of eight Persons for whom they vote to serve in Assembly, as also the Names of a double Number of such Persons as they would have to be Sheriffs and Coroners; and also the Names of six Persons to be Assessors, for each County in this Province,

AND that the Persons who, by Majority of Votes given, according to the Direction of this Act, shall be chosen for Sheriffs and Coroners in the said respective Counties, shall be returned, presented and impowered to serve and act in their respective Offices, in Manner and Form, and under the Penalties, Qualifications and Directions specified in a Law of this Province, entituled, *An Act for regulating Elections of Sheriffs and Coroners*: And the Persons so as aforesaid chosen to be Assessors for the said respective Counties, shall be returned and entred on Record at the Court of Quarter-Sessions in the proper County, next after every such Election, according to the Tenor and Intent of the Law, entituled, *An Act for raising County Levies*, and shall be enabled to act as Assessors, pursuant to the Powers given them by that or any other Act or Law of this Province.

Persons chosen to be Sheriffs, &c. how to be qualified.

AND BE IT FURTHER ENACTED, That the Inhabitants and Freeholders of the City of *Philadelphia*, shall observe and use the same Method in choosing their Assessors, as is herein above directed for the choice of other Assessors.

City of Philadelphia how to choose their Assessors.

AND BE IT FURTHER ENACTED, That all and every the above-mentioned Acts, and all other Acts of Assembly relating to the said Elections, and all the Powers, Provisions, Penalties, Clauses, Matters and Things therein contained (except only such Part and Parts thereof touching which other Provisions or Alterations are hereby made) shall continue and be in full Force as if the same were repeated and re-enacted in the Body of this Act

The Acts concerning Elections to continue in Force.

Passed *August* 24*th*. 1717. Recorded A, Vol. 1. p. 157.

CCIX. *An* ACT *for laying a Duty upon sundry Liquors retailed in this Province.* Expired.

Passed *February* 22*d*, 1717-18. Recorded. A, Vol. 2. p. 158.

CCX. *An* ACT *for the better encouraging the Trade of this Province.* Obsolete.

Passed *Feb.* 22*d*, 1717-18. Recorded A, Vol. 2. p. 160.

CCXI. *An* ACT *for laying a Duty on Wine, Rum, Brandy and Spirits, Cyder, Hops and Flax, imported into this Province,* Expired.

Passed *Feb.* 22*d*, 1717-18. Recorded. A, Vol. 2. p. 163.

CCXII. *An* ACT *concerning Feme-Sole Traders.*

WHEREAS it often happens, That Mariners and others, whose Circumstances as well as Vocations oblige them to go to Sea, leave their Wives in a Way of Shop-keeping; and such of them as are industrious, and take due Care to pay the Merchants they gain so much Credit with, as to be well supplied with Shop-goods from time to time, whereby they get a competent Maintenance for themselves and Children, and have been enabled to discharge considerable Debts left unpaid by their Husbands at their going away: But some of those Husbands having so far lost Sight of their Duty to their Wives and tender Children, that their Affections are turned to those who in all Probability will put them upon Measures not only to waste what they may get abroad, but misapply such Effects as they leave in this Province: For preventing whereof, and to the End that the Estates belonging to such absent Husbands may be secured for the Maintenance of their Wives and Children, and that the Goods and Effects which such Wives acquire or are intrusted to sell in their Husband's Absence, may be preserved for satisfying of those who so intrust them, may it please the Governor that it may be enacted, AND BE IT ENACTED by WILLIAM KEITH, Esq; by and with the King's Royal Approbation Deputy-Lieutenant and Governor under WILLIAM PENN, Esq; Proprietary and Governor in chief, of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That where any Mariners or others are gone or hereafter shall go to Sea, leaving their Wives at Shop-keeping, or to work for their Livelihood at any other Trade in this Provine, all such Wives shall be deemed, adjudged and taken, and are hereby declared to

Preamble.

Who shall be adjudged to be Feme-sole Traders.

For Debts contracted by such Feme, unless for Maintenance of herself and Children, Execution to be awarded against her Goods & Chattels.

to be as Feme-sole Traders, and shall have Ability and are by this Act enabled to sue and be sued plead and be impleaded at Law in any Court or Courts of this Province, during their Husbands natural Lives, without naming their Husbands in such Suits, Pleas or Actions: And when Judgments are given against such Wives for any Debts contracted or Sums of Money due from them since their Husbands left them, Executions shall be awarded against the Goods and Chattels in the Possession of such Wives, or in the Hands or Possession of others in Trust for them, and not against the Goods and Chattles of their Husbands; unless it be made appear to the Court where those Executions are returnable, that such Wives have, out of their separate Stock or Profit of their Trade, paid Debts which were contracted by their Husbands, or laid out Money for the necessary Support and Maintenance of themselves and Children; then, and in such Case, Execution shall be levied upon the Estate real and personal of such Husbands, to the Value so paid or laid out, and no more.

Sales &c. of Lands made abroad by absent Husbands are void, unless sufficient Provision be made for &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any of the said absent Husbands, being Owners of Lands, Tenements, or other Estate in this Province, have aliened, or hereafter shall give, grant, mortgage or alienate from his Wife and Children, any of his said Lands, Tenements or Estate, without making an equivalent Provision for their Maintenance, in Lieu thereof, every such Gift, Grant, Mortgage or Alienation shall be deemed, adjudged and taken to be null and void.

The Husband being Ship-wrecked &c. may sell &c.

PROVIDED NEVERTHELESS, That if such absent Husband shall happen to suffer Shipwreck, or be by Sickness or other Casualty disabled to maintain himself, then and in such Case, and not otherwise, it shall be lawful for such distressed Husband to sell or mortgage so much of his said Estate as shall be necessary to relieve him and bring him home again to his Family, any Thing herein contained to the contrary notwithstanding.

The Lands of the Husband staying away, or living in Adultery, may be seized & taken in Execution, &c.

BUT if such absent Husband, having his Health and Liberty, stays away so long from his Wife and Children, without making such Provision for their Maintenance before or after his going away, till they are like to become chargeable to the Town or Place where they inhabit; or in case such Husband doth or shall live in Adultery, or cohabit unlawfully with another Woman, and refuses or neglects, within seven Years next after his going to Sea, or departing this Province, to return to his Wife and cohabit with her again, then and in every such Case the Lands, Tenements and Estate belonging to such Husbands, shall be and are hereby made liable and subject to be seized and taken in Execution, to satisfy any Sum or Sums of Money which the Wives of such Husbands or Guardians of their Children shall necessarily expend or lay out for their Support and Maintenance: Which Execution shall be founded upon Process of Attachment against such Estate, wherein the absent Husband shall be made Defendant; any Law or Usage to the contrary in anywise notwithstanding.

Passed *Feb.* 22*d*, 1717-18. Recorded A, Vol. 2. p. 166.

CCXIII. *An* A C T *for continuing a Duty on Negroes brought into this Province.* Expired.

Passed *February* 22*d*. 1717-18. Recorded, A, Vol. 2. p. 168.

CCXIV. *An* A C T *for Raising a Duty upon Tonnage of Ships and Vessels.*

Passed *February* 22*d*. 1717-18. Recorded, A, Vol. 2. p. 171.

CCXV. *An* A C T *for Erecting of Houses of Correction and Work-Houses in the respective Counties of this Province.*

Preamble,

WHEREAS the Proprietary, and first Adventures, in their Principal Model of this Government, proposed, That for Crimes inferiour to Murder, the Punishements might be by Way of Restitution, Fine, Imprisonment, and such like; and where the Offender proved not of Ability to make such Satisfaction, then he should be kept in Prison or House of Correction at hard Labour: But no effectual Care has been yet taken to erect such Houses; by Reason whereof many Evil-Doers escape unpunished, and Servants, who, for their Neglect and Abuses, should be kept to Work in such Houses, are become incorrigible: Therefore may it please the Governor that it may be Enacted, AND BE IT ENACTED by WILLIAM KEITH, Esq; by the Royal Approbation Deputy-Lieutenant and Governor under WILLIAM PENN, Esq; Proprietary and Governor in chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That from and after the First Day of *May*, which will be in the Year of our Lord, *One Thousand Seven Hundred and Eighteen*, from time to time, it shall and may be lawful to and for the Justices of the Peace of the City of *Philadelphia*, in Conjunction with the Justices of the Peace of the County of *Philadelphia*, and for the Justices of the Peace of the other respective Counties of this Province, assembled at any Quarter-Sessions of the Peace within the same respective Counties, or the major Part of them, to set down and make Orders for Building, Erecting, or Causing to be built and erected or provided, one or more Houses of Correction and Work-Houses, with convenient Back-sides or Yards thereunto adjoining, in some convenient Places within their several Counties or Towns corporate: For the Doing and Performing whereof, and for the providing Stocks of Money, Goods, and all other Things necessary

Justices of the Peace at the Quarter-Sessions have Power to make Orders for Building of Houses of Correction, &c.

for

for the ſame, all ſuch Orders as the ſaid Juſtices, or the major Part of them, ſhall from time to time, take, reform or ſet down in any of the ſaid Quarter-Seſſions, for erecting or providing ſuch Houſes, raiſing the ſaid Stocks, and governing of the ſame, as alſo for the correcting and Puniſhment of Offenders to be committed there, ſhall be of full Force, and be duly performed and put in Execution. Which ſaid Houſes ſhall be purchaſed, conveyed or aſſured unto ſuch Perſon or Perſons as by the Juſtices of the Peace, or the major Part of them, in their Quarter-Seſſions of the Peace, to be holden within every County of this Province, upon Truſt, to the Intent the ſame ſhall be uſed and imployed for the Keeping, Correcting and Setting to Work of all Rogues, Vagabonds, or ſturdy Beggars, and other idle and diſorderly Perſons, who by the Laws and Uſage of *Great Britain*, or by the Laws of this Province, are to be kept, corrected or ſet to Work, in ſuch Houſes and Backſides,

Form of Conveyances thereof.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That within the Space of three Years, after the Twenty-fifth Day of *March*, in the Year of our Lord, *One Thouſand Seven Hundred and Eighteen*, a Houſe of Correction or Work-Houſe ſhall be built in the City of *Philadelphia*, at the Charge of the ſaid City and County of *Philadelphia*; and a Houſe of Correction or Work-Houſe ſhall be built in *Cheſter*, at the Charge of the County of *Cheſter*; and another Houſe of Correction or Work-Houſe ſhall be built in *Briſtol*, at the Charge of the County of *Bucks*.

The Time limited for the Building of the ſaid Houſes in each of ſaid Counties.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That by the major Part of the Juſtices of the Peace for the ſaid City and County of *Philadelphia*, and for the Counties of *Cheſter* and *Bucks* reſpectively, in their reſpective Quarter-Seſſions aſſembled, there ſhall be elected and choſen out of the moſt able and honeſt Inhabitants and Freeholders of the ſaid City and County of *Philadelphia*, and of the ſaid Counties of *Cheſter* and *Bucks*, reſpectively, a Preſident, a Treaſurer and Aſſiſtants for the Houſes of Correction, Work-Houſe or Work-Houſes in the ſaid City and reſpective Counties; and that upon the Vacancy, by Death or otherwiſe, of any of the ſaid Preſidents, Treaſurers or Aſſiſtants in the ſaid reſpective Counties, the Power to erect others in their Rooms ſhall be in the major Part of the reſpective Juſtices of the Peace, who in their General Quarter-Seſſions, from time to time, ſhall accordingly ſupply vacant Places.

The Officers to be elected and choſen.

AND the ſaid Preſident, Treaſurer and Aſſiſtants for the Time being, ſhall be accountable for all their Diſburſements and other Proceedings, to the ſaid Juſtices or the major Part of them, who, at every Quatter-Seſſions, are hereby directed and required to examine and inſpect the Accounts and all other Proceedings of the ſaid Preſident, Treaſurer and Aſſiſtants; and in caſe any notorious Neglect, Imbezzlement or Breach of Truſt, ſhall at any Time appear to the Juſtices againſt all or any one of the ſaid Officers by them appointed as aforeſaid, then the ſaid Juſtices are hereby impowered to diſmiſs and diſplace all ſuch Offenders, and to elect others in their Room.

Who ſhall be accountable to the Juſtices at the Seſſions

AND that nothing may be wanting to render effectual the good Intent of this Act in all its Parts, may it pleaſe the Governor to condeſcend that it may be further Enacted, AND BE IT ENACTED by the Authority aforeſaid, That the ſaid Preſident, Treaſurer and Aſſiſtants for the Time being, reſpectively, ſhall, forever hereafter, in Name and Fact, be Bodies politick and corporate in Law, to all Intents and Purpoſes; and ſhall have a perpetual Succeſſion, and may ſue or plead or be ſued, and impleaded, by the Name of the Preſident, Treaſurer and Aſſiſtants for the Poor of the ſaid reſpective Counties, in all Courts and Places of Judicature within this Province, and by that Name every of the ſaid Corporations ſhall and may purchaſe or receive any Lands, Tenements or Hereditaments, not exceeding the yearly Value of *Three Hundred Pounds per Annum*, of the Gift, Alienation or Deviſe of any Perſon or Perſons, who are hereby enabled to transfer and grant the ſame, and any Goods and Chattels whatſoever into or for the Uſe and Benefit of the Corporations aforeſaid.

Incorporating Clauſe.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Preſident, Treaſurer and Aſſiſtant, or one of them, at leaſt, in each County aforeſaid, reſpectively, ſhall give punctual and conſtant Attendance at the Work-Houſes and Houſes of Correction to which they reſpectively belong, there to receive and execute the Orders given by the Commitments which ſhall happen to be made from time to time by any Juſtice of the Peace, or other Magiſtrate, having legal Power to commit and ſend to the Work-Houſes all Vagabonds, unruly Servants, and other idle or diſorderly Perſons, and the ſaid Officers, in each County reſpectively, ſhall make Return to every Court of Quarter-Seſſions, duly, of their Proceedings in the Premiſes.

Shall give Attendance at the Work-Houſes.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That when the Preſident, Treaſurer and Aſſiſtants of any of the ſaid Corporations ſhall certify, under their Hands and Seals, their Want either of a preſent Stock for the Beginning of the Work, or for Supply thereof for the future, and what Sum or Sums of Money they ſhall think fit for the ſame, to the Juſtices of the Peace of the ſaid reſpective Counties, aſſembled in their Quarter-Seſſions; the ſaid Juſtices are hereby required from time to time to ſet down and aſcertain ſuch Sum and Sums of Money as they ſhall deem competent for the Purpoſes aforeſaid, and cauſe the ſame to be raiſed as County Rates are uſually levied, ſo that they do not exceed, for the City and County of *Philadelphia*, the yearly Value of *Four Hundred Pounds*; for the County of *Cheſter*, the yearly Value of *Two Hundred Pounds*; and for the County of *Bucks*, the yearly Value of *One Hundred Pounds*.

Upon their certifying the Want of Stock, &c. the ſaid Juſtices may cauſe the ſame to be raiſed as County-Levies.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Preſident, Treaſurer and Aſſiſtants, of any of the ſaid Corporations, or Houſes of Correction or Work-Houſes, are hereby impowered to chooſe and entertain all ſuch Officers as ſhall be needful to be imployed in and about the Premiſes, and them, or any of them to remove as they ſhall ſee cauſe, and upon ſuch Removal or Death of any of them, to chooſe others, and to make them reaſonable Allowances for their Services

Under Officers to be choſen, &c.

out of the ſaid Stock; and that all Sheriffs, Conſtables, and all other Officers and Miniſters of Juſtice, ſhall be aiding and aſſiſting to the ſaid Corporation or Corporations, and to all ſuch Officers as ſhall be imployed by them in the Execution and Performance of the ſaid Service.

Paſſed *February* 22*d.* 1717-18. Recorded A, Vol. 2. p, 172.

CCXVI. *An* ACT *for Erecting a Ferry to the Landing at or near the Land of* Daniel Cooper, *deceaſed, and alſo to* Glouceſter, *in the Weſtern-Diviſion of* New-Jerſey. Expired.

Paſſed *Feb.* 22*d.* 1717-18. Recorded A, Vol. 2. p. 175.

CCXVII. *An* ACT *for the more effectual Raiſing of County Rates and Levies.* Supplied.

Paſſed *Feb.* 22*d.* 1717-18. Recorded A, Vol. 2. p. 176.

CCXVIII. *An* ACT *to ſupply ſome Omiſſions in a Law paſſed at the laſt Seſſions of Aſſembly, held for this Province, entituled* An Act for Raiſing a Duty upon Tonnage of Ships and Veſſels. *Expired.*

Paſſed *May* 31ſt. 1718. Recorded A, Vol. 2. p. 186.

CCXIX. *An* ACT *for eſtabliſhing a Ferry over* Delaware, *at the Falls.* Expired.

Paſſed *May* 31ſt, 1718. Recorded A, Vol. 2. p. 187.

CCXX. *An* ACT *for the Continuing the Ferry from* Briſtol, *in the County of* Bucks, *to* Burlington, *in the Weſtern-Diviſion of the Province of* New-Jerſey. Expired.

Paſſed *May* 31ſt, 1718. Recorded A, Vol. 2. p. 188.

CCXXI. *An* ACT *impowering the Juſtices to ſettle the Prices of Liquors in Publick-houſes, and Provender for Horſes in Publick-ſtables.*

WHEREAS it has been the Practice of Tavernkeepers, Ale-houſe-keepers and Inn-holders to exact exceſſive Rates for their Wine, Beer, Cyder and other Liquors, and alſo Provender for Horſes, without Regard to the Plenty and Cheapneſs thereof: BE IT THEREFORE ENACTED by WILLIAM KEITH, Eſq; by and with the King's Royal Approbation Deputy-Lieutenant and Governor under WILLIAM PENN, Eſq; Proprietary and Governor in chief of the Province of *Pennſylvania*, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met and by the Authority of the ſame, That the Juſtices of the Peace of the reſpective Counties of this Province, and alſo the Mayor, Recorder and Aldermen of the City of *Philadelphia*, ſhall have full Power, four times in the Year, *to wit*, at the General Seſſions of the Peace held for the ſaid Counties and City reſpectively, to ſet ſuch reaſonable Prices on all Liquors retailed in Publick Houſes, and Provender for Horſes in Publick-ſtables from time to time as they ſhall ſee fit: Which Prices ſhall be proclaimed by the Cryer at the Concluſion of their ſaid reſpective Seſſions, and fixed upon the Court-houſes Doors for publick View.

The Juſtices &c. to ſet Prices on Liquors, &c.

The Prices to be proclaimed, &c.

AND if any publick Ale-houſe-keeper, Taverner, Innholder or publick Stable-keeper, exceed the Prices ſo ſet by the Juſtices, and be convict thereof by Oath or Affirmation of one or more Witneſſes, before one or more Juſtices of the Peace of the reſpective Counties of this Province or City of *Philadelphia*, every ſuch Offender ſhall, for the firſt Offence, be fined in any Sum not exceeding *Twenty Shillings*, and for the ſecond Offence *Forty Shillings*, and give Security for their good Behaviour; and for the third Offence, upon Conviction in the Quarter-Seſſions of the reſpective Counties or City of *Philadelphia*, *Five Pounds*, and not to be recommended to keep a Publick-houſe or Tavern for the Space of three Years after ſuch Conviction.

Penalties on demanding greater Prices.

Paſſed *May* 31ſt, 1718. Recorded A, Vol. 2. p. 189.

CCXXII. *An* ACT *for the Advancement of Juſtice, and more certain Adminiſtration thereof.*

WHEREAS King *Charles* the Second by his Royal Charter to *William Penn*, Eſq; for erecting this Country into a Province, did declare it to be his Will and Pleaſure, That the Laws for Regulating and Governing of Property within the ſaid Province, as well for the Deſcent and Enjoyment of Lands, as for the Enjoyment and Succeſſion of Goods and Chattels, and likewiſe as to Felonies, ſhould be and continue the ſame as they ſhould be for the time being by the general Courſe of the Law in the Kingdom of *England*, until the ſaid Laws ſhall be altered by the ſaid *William Penn*, his Heirs or Aſſigns, and by the Freemen of the ſaid Province, their Delegates or Deputies, or the greater Part of them.

Recital of the Royal Charter.

AND

AND WHEREAS it is a ſettled Point, that as the common Law is the Birth-Right of *Engliſh* Subjects, ſo it ought to be their Rule in *Britiſh* Dominions: But Acts of Parliament have been adjudged not to extend to theſe Plantations, unleſs they are particularly named in ſuch Acts.

NOW foraſmuch as ſome Perſons have been encouraged to tranſgreſs certain Statutes againſt capital Crimes, and other Enormities, becauſe thoſe Statutes have not been hitherto fully extended to this Province.

THEREFORE, leſt there ſhould be any further Failure in that Behalf, may it pleaſe the Governor, that it may be enacted, AND BE IT ENACTED by WILLIAM KEITH, Eſq; by and with the King's Royal Approbation Deputy-Lieutenant and Governor under the ſaid WILLIAM PENN, Eſq; Proprietary and Governor in chief of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That all Inqueſts and Trials of High Treaſon ſhall be according to the due Order and Courſe of the Common-Law, obſerving the Directions of the Statute-Laws of *Great Britain*, relating to the Trials, Proceedings and Judgments in ſuch Caſes. Trials of High Treaſon to be as in England.

AND BE IT FURTHER ENACTED, That the Enquiries and Trials of all Petty Treaſons, Miſpriſion of Treaſon, Murder, Manſlaughters, Homicides, and all ſuch other Crimes and Miſpriſions as by this Act or any other Act of Aſſembly of this Province are or ſhall be made capital, or Felonies of Death (which have been or ſhall be done, committed, perpetrated or happen within this Province) ſhall be as by this Act is directed. Trials of other capital Crimes, as by this Act.

AND WHEREAS the ſeveral Crimes declared by this Act to be Felonies of Death, are by the Courſe of the Laws of that Part of *Great-Britain* called *England*, to be enquired of and tried by Juſtices Juries and Witneſſes upon their Oaths. Qualifications of Judges Juries and Witneſſes.

BUT foraſmuch as the greateſt Part of the Inhabitants of this Province are ſuch who for Conſcience Sake cannot take an Oath in any Caſe; yet without their Aſſiſtance Juſtice cannot be well adminiſtred, and too great a Burthen will fall upon the other Inhabitants: BE IT THEREFORE ENACTED by the Authority aforeſaid, That all and all Manner of Crimes and Offences, Matters and Cauſes whatſoever, to be enquired of, heard, tried and determined by Virtue of this or any other Act or Law of this Province, or otherwiſe, ſhall and may be enquired of, heard, tried and determined by Judges, Juſtices, Inqueſts and Witneſſes, qualifying themſelves according to their conſcientious Perſuaſions reſpectively, either by taking a corporal Oath, or by the ſolemn Affirmation allowed by Act of Parliament to thoſe called *Quakers* in *Great-Britain*.

WHICH Affirmation of ſuch Perſons as conſcientiouſly refuſe to take an Oath, ſhall be accounted and deemed in the Law to have the full Effect of an Oath in any Caſe whatſoever in this Province. Their Affirmation to have the Effect of an Oath,

AND that all ſuch Perſons as ſhall be convicted of falſly and corruptly Affirming or declaring any Matter or Thing, which, if the ſame had been upon Oath, would by Law amount to wilful and corrupt Perjury, ſhall incur the ſame Penalties, Diſabilities and Forfeitures as Perſons convicted of wilful Perjury do incur by the Laws of *Great-Britain*. If falſe to be Perjury.

AND That upon all Trials of the ſaid capital Crimes, lawful Challenges ſhall be allowed, and learned Council aſſigned to the Priſoners, and ſhall have Proceſs to compel Witneſſes to appear for them upon any of the ſaid Trials. But before ſuch Witneſſes ſhall be admitted to depoſe or give any Manner of Evidence, they ſhall firſt take an Oath or Affirmation, *To ſay the Truth, the whole Truth, and nothing but the Truth*, in ſuch Manner as the Witneſſes for the King are by the Law of this Province obliged to do; And if convicted of any wilful Perjury, in ſuch Evidence, ſhall ſuffer all the Puniſhments Penalties, Forfeitures and Diſabilities which by any of the Laws and Statutes of *Great-Britain* are or may be inflicted upon Perſons convicted of wilful Perjury. Privileges of Criminals.

BUT if any of the ſaid Priſoners ſhall upon their Arraignment for any of the ſaid Crimes ſtand mute, or not anſwer directly, or ſhall peremptorily challenge above the Number of twenty Perſons returned to ſerve of the Jury, he or they ſo offending ſhall ſuffer as a Felon convict; and ſhall loſe the Benefit of Clergy, and of this Act, in the ſame Manner as he or they ſhould have done if they had been indicted, arraigned and found Guilty, if it appear to the Juſtices, before whom ſuch Felons be arraigned, by Evidence given before them, or by Examination, that the ſame Felonies whereon they are ſo arraigned had been ſuch Felonies by Reaſon whereof they ſhould have loſt the Benefit of their Clergy. Perſons ſtanding mute, &c. to ſuffer as Felons convict, &c.

AND when any Perſon or Perſons ſhall be ſo as aforeſaid convicted or attainted of any of the ſaid Crimes, they ſhall ſuffer as the Laws of *Great-Britain* now do or hereafter ſhall direct and require in ſuch Caſes reſpectively. Judgments and Executions of ſuch Criminals to be as in England.

AND it ſhall and may be lawful for the Juſtices of the Court where any of the ſaid Attainders or Convictions ſhall happen, to give and pronounce ſuch Judgment or Sentence againſt the Perſons ſo attainted or convicted, as their Crimes reſpectively require, according to the Manner, Form and Direction of the Laws of that Part of *Great-Britain* called *England* in the like Caſes; and thereupon to award and order Execution to be done accordingly.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon or Perſons ſhall commit Sodomy or Buggery, or Rape or Robbery; which Robbery is done by aſſaulting another on or near the Highway, putting him in Fear, and taking from his Perſon Money or other Goods, to any Value whatſoever, he or they ſo offending or committing any of the ſaid Crimes within this Province, their Counſellers, Aiders, Comforters and Abettors being convicted thereof as aboveſaid, ſhall ſuffer as Felons, according to the Tenor, Direction, Form and Effect of the ſeveral Statutes in ſuch Caſes reſpec- Perſons convict of Sodomy, &c. to ſuffer according to the Statute Law.

reſpectively made and provided in *Great-Britain*; any Act or Law of this Province to the contrary in anywiſe notwithſtanding.

It ſhall be Murder in Women to conceal the Death of their Baſtards.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Woman ſhall be delivered of any Iſſue of her Body, Male or Female, which, being born alive, ſhould, by the Law, be deemed a Baſtard, and that ſhe endeavour privately either by drowning or ſecret burying thereof, or any other Way, either by herſelf or the procuring of others, ſo to conceal the Death thereof as that it may not come to Light, whether it were born alive or not, but be concealed; in every ſuch Caſe the Mother ſo offending, being convicted thereof according to the uſual Courſe of Proceedings in capital Crimes within this Province, ſhall ſuffer Death, as in Caſe of Murder; except ſuch Mother can make Proof, by one Witneſs at the leaſt, that the Child (whoſe Death was by her ſo intended to be concealed) was born dead.

Adviſing them to kill is Murder.

AND if any Perſon or Perſons ſhall counſel, adviſe or direct ſuch Woman to kill the Child ſhe goes with, and after ſhe is delivered of ſuch Child, ſhe kills it, every ſuch Perſon ſo adviſing or directing, ſhall be deemed acceſſary to ſuch Murder, and ſhall have the ſame Puniſhment as the Principal ſhall have.

The Statute againſt ſtabbing extended hither.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Statute againſt Stabbing made in the firſt Year of the Reign of King *James* the Firſt, Chap. 8, intituled, *An Act to take away the Benefit of the Clergy for ſome Kind of Manſlaughter*, ſhall be duly obſerved and put in Execution in this Province, and be of like Force and Effect as if the ſame Act were here repeated and enacted; but that all ſuch Perſons as ſhall happen to be preſent and aiding to the Stabbing of another, which by the ſaid Act is made Murder, ſhall not be deemed Principals, but Acceſſaries to ſuch Stabbing.

Acceſſaries.

Perſons convicted of putting out an Eye, &c. ſhall ſuffer as Felons.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon or Perſons on Purpoſe, and of Malice-forethought, and by laying in Wait, ſhall unlawfully cut out or diſable the Tonge, put out an Eye, ſlit the Noſe, cut off the Noſe or Lip, or cut off or diſable any Limbs or Members of any of the King's Subjects, with Intention in ſo doing to maim or diſfigure, in any of the Manners before-mentioned, ſuch his Majeſty's Subjects, that then, and in every ſuch Caſe the Perſon or Perſons ſo offending, their Counſellors, Aiders and Abettors, knowing of and privy to the Offence as aforeſaid, ſhall ſuffer Death, as in Caſes of Felony, without Benefit of Clergy.

Note, *The Act of Parliament of the 1ſt* Jac. I. *is repealed.*

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That another Statute, made in the firſt Year of the Reign of King *James* the Firſt, Chap. 12, intituled, *An Act againſt Conjuration, Witch-craft and dealing with evil and wicked Spirits*, ſhall be duly put in Execution in this Province, and of like Force and Effect as if the ſame were here repeated and enacted.

Perſons convicted of Burglary ſhall ſuffer Death, without Benefit of Clergy.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon or Perſons ſhall be ſo as aforeſaid convict of Burglary; which is a Breaking and Entering into a Dwelling-Houſe of another in the Night-time, with an Intent to kill ſome reaſonable Creature, or to commit ſome other Felony within the ſame Houſe, whether the felonious Intent be executed or not, he or they ſo offending within this Province, being convicted thereof as aforeſaid, ſhall ſuffer Death, without Benefit of Clergy; any Law of this Province to the contrary notwithſtanding.

Perſons convicted of burning Houſes, &c. ſhall ſuffer Death.

AND if any Perſon or Perſons ſhall be ſo as aforeſaid convicted of malicioufly and voluntarily burning the Dwelling-Houſe, Barn, Stable or Out-Houſe of another, having Corn or Hay therein, he or they ſo offending within this Province, ſhall ſuffer Death: any Law of this Province to the Contrary notwithſtanding.

If the Principal Offender ſtands mute, &c. Acceſſaries may nevertheleſs be prooceeded againſt, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Principal Offender in any capital Crime (which by the Laws of this Province for the time being is made Felony of Death) ſhall be convicted of any ſuch Felony, or ſhall ſtand mute, or peremptorily challenge above the Number of Twenty Perſons returned to ſerve of the Jury, it ſhall and may be lawful to proceed againſt any Acceſſary, either before or after the Fact, in the ſame Manner as if ſuch Principal Felon had been attainted thereof, notwithſtanding any ſuch Principal Felon ſhall be admitted to the Benefit of his Clergy, pardoned or otherwiſe delivered before Attainder; and every ſuch Acceſſary ſhall ſuffer the ſame Puniſhment, if he or ſhe be convicted, or ſtand mute, or peremptorily challenge above the Number of Twenty Perſons returned to ſerve of the Jury, as he or ſhe ſhould have ſuffered if the Principal had been attainted.

Concealers of Robbers, &c. if they pray the Benefit of this Act, not to ſuffer Death.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon or Perſons ſhall receive, harbour or conceal any of the ſaid Robbers or Burglars, Felons or Thieves, or ſhall receive or buy any Goods or Chattels that ſhall be feloniouſly taken or ſtolen by any ſuch Robbers or Burglars, Felons or Thieves, knowing the ſame to be ſtolen, and being ſo as aforeſaid convicted of either of the ſaid Offences; if he or they pray to have the Benefit of this Act, in Lieu of Clergy, Judgment of Death ſhall not be given againſt them upon ſuch Conviction, nor Execution awarded upon any Outlawry for ſuch Offence, but they ſhall be burnt in their Hands, in Manner as herein after directed.

Though the principal Felon is not taken, Acceſſaries may be proſecuted.

PROVIDED ALWAYS, That if any ſuch Principal Robber or Burglar, Felon or Thief cannot be taken ſo as to be proſecuted and convicted for any ſuch Offence, nevertheleſs it ſhall be lawful to proſecute and puniſh every ſuch Perſon and Perſons, buying or receiving any Goods ſtolen by any ſuch Principal Felon, knowing the ſame to be ſtolen, as for a Miſdemeanor, to be puniſhed by Fine and Impriſonment, or other ſuch corporal Puniſhment as the Court ſhall think fit to inflict, altho' the Principal Felon be not before convict of the ſaid Felony: Which Puniſhment ſhall exempt the Offender from being puniſhed as Acceſſary if ſuch Principal Felon ſhall afterwards be taken and convicted.

AND

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That if any Person or Persons who have been indicted or appealed, or hereafter shall be indicted or appealed, for any of the said Crimes did not, or will not appear to answer such Indictment or Appeal, the Justices before whom the same hath been or shall be taken, shall award a Writ called *Capias* against every such Offender, directed to the Sheriff of the County where the Party indicted or appealed are, by such Indictment or Appeal, supposed to be conversant or inhabit, returnable before the Justices of that Court where such Party is or shall be so indicted or appealed, at the Supream or Provincial Court next after the taking of such Indictment or Appeal; by which Writ of *Capias* the same Sheriff shall be commanded, to take the Body of him or them so indicted or appealed, if he or they can be found in his Bailiwick. And if he or they cannot be found, the Sheriff shall make Proclamation in every Court of Quarter-Sessions, which shall be held for the said County where the said Party indicted or appealed, is supposed to inhabit or be conversant as aforesaid, *That he or they being so indicted or appealed shall appear before the said Justices at the said Supream Court, on the Day of the Return of the said Writ of* Capias, *to answer our Lord the King, or to the Party, of the Treason, Felony or Trespass whereof he or they are so indicted or appealed.* Which Writ shall be delivered to the said Sheriff or Sheriffs three Months before the Return thereof; after which Writ of *Capias* so served and returned, if he who is so indicted or appealed comes not at the said Day of Return of the said *Capias*, and yield his Body to the Sheriff, he shall be, by the Justices of the said Supream-Court, pronounced *Out-law'd, and attainted of the Crime whereof he is so indicted or appealed* as aforesaid. And from that Time shall forfeit and lose all his Lands and Tenements, Goods and Chattels. Which Forfeiture, and all other Forfeitures expressed or implied by the said Judgments to be given upon the said capital Offences mentioned in this Act, after such Criminals just Debts and reasonable Charges of their Maintenance in Prison are deducted, shall go, one Half to the Governor for the time being, towards Support of this Government, and for Defraying the Charges of Prosecution, Trial and Execution of such Criminals; and the other Half or Residue thereof shall go to such Criminal's Wife and Children equally: But if he leaves no Wife or Children, then to the next of his Kindred, not descending lower than the second Degree; to be claimed within three Years after the Death of such Criminals; otherwise the same shall go to the Governor as aforesaid; any Law or Usage to the Contrary notwithstanding.

If a Person indicted, &c. will not appear *Capias* shall be awarded. If not found, the Sheriff to make Proclamation in Quarter Sessions, &c.

On not appearing to be outlawed and forfeit all his Estate. One Half thereof to go to the Governor, & the other Half to the Criminals Wife and Children, or next of the Kin; and if not claimed in 3 Years to the Governor.

PROVIDED ALWAY'S, AND BE IT FURTHER ENACTED, That where any Person or Persons charged, committed to Prison, or convicted of any of the said capital Crimes, being justly indebted to any other Person or Persons, he or they so indebted may be arrested, or their Goods and Chattels attached to answer the Suits of their respective Creditors, who making due Proof that the Debts or Sums demanded are really and without Fraud due, shall recover Judgment for the same, and Executions may be awarded against the Lands, Goods and Chattels of such Defendants, as is usual in other Cases.

Such Criminals liable to be arrested by their Creditors, and Execution may go against their Lands, &c.

PROVIDED ALSO, That he or they who shall happen to break Prison, shall not have Judgment of Life or Member for breaking of Prison only, except the Cause for which he or they were taken and imprisoned did require such Judgment, had he been convict according to Law.

Breakers of Prisons.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person be convicted of any such Felony as is hereby made capital, for which he ought by the Laws of *Great Britain* to have the Benefit of his Clergy, and shall pray to have the Benefit of this Act, he shall not be required to read, but without any Reading shall be allowed, taken and reputed to be and punished as a Clerk Convict, and burnt, if for Murder, with an (M) upon the Brawn of the left Thumb; and if for any other Felony, with a (T) in the same Place of the Thumb: Which Marks are to be made by the Goaler in open Court, as is usual in *Great Britain*; which shall be effectual to all Intents and Purposes, and be as advantageous to him as if he had read as a Clerk; any Law or Usage to the Contrary notwithstanding.

The Effect of the Benefit of the Clergy may be obtained without Reading.

AND that the said Justices before whom such Offender or Offenders shall be tried and convicted shall also, at their Discretion, award and give Judgment, That such Offender and Offenders shall be committed to some House of Correction, or Publick Work-House within the County, City, Town or Place where such Conviction shall be, there to remain and be kept without Bail or Mainprize for such Time as such Justices shall then judge and award, not less than six Months, and not exceeding two Years, to be accounted from the Time of such Conviction, and an Entry thereof shall be made of Record, pursuant to such Judgment and Award; and such Offender and Offenders so judged and awarded to remain and be kept in such House of Correction or Publick Work-House, shall be there set at Work and kept at hard Labour, for and during such Time as shall be so adjudged and recorded: And in Case such Person or Persons shall refuse or neglect to work and labour as they ought to do, the Master or Keeper of such House of Correction, or Publick Work-House respectively, is hereby required to give such Persons such due Correction as shall be fit and necessary in that Behalf.

The Justices shall commit such Offenders to some House of Correction, &c.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That in case any such Offender or Offenders shall, after such Judgment given, escape out of Prison, or out of such House of Correction or Publick Work-House as he, she or they shall be committed unto as aforesaid, such Person or Persons being afterwards retaken shall be brought before one or more of the Provincial Judges, or before two or more of the Justices of the Peace of such County, City, Town or Place where such Offender or Offenders shall be so retaken; which Judge or Justices are hereby required to commit such Offender and Offenders to some House of Correction, or Publick Work-House, within such County, City, Town or Place where he, she or they shall be so retaken, there to remain without Bail or Mainprize, for any Time not less than twelve Months, and not exceeding four Years, to be accounted from the Time of such Retaking, and there be set at Work, and kept at hard Labour, and receive such due Correction as aforesaid.

If Offenders escape and be re-taken, to be committed, &c. for not less than Twelve Months, nor above 4 Years.

The Maſter of ſuch Work-Houſe on neglect of his Duty, removable.

AND in caſe any Maſter or Keeper of any Houſe of Correction, or Publick Work-Houſe, ſhall neglect to do his Duty as above directed, any Judge or Juſtice of Goal Delivery, upon Complaint, and due Proof thereof made, upon the Oath or Affirmation of one or more Witneſſes, to him made, ſhall be and is hereby impowered to remove ſuch Perſon from his ſaid Office.

A Woman convicted of Felony, may have the Benefit of this Act.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That where a Man being convicted of any Felony, for which he may demand the Benefit of his Clergy; if a Woman be convicted for the ſame, or like Offence, upon her Prayer to have the Benefit of this Act, Judgment of Death ſhall not be given againſt her upon ſuch Conviction or Execution awarded upon any Outlawry for ſuch Offence, but ſhall ſuffer the ſame Puniſhment as a Man ſhould ſuffer that has the Benefit of his Clergy allowed him in the like Caſe, *That is to ſay*, ſhall be burnt in the Hand in Manner aforeſaid; and further to be kept in Priſon for ſuch Time as the Juſtices in their Diſcretion ſhall think fit, ſo as the ſame do not exceed one Year.

Perſons who had once the Benefit of this Act being again convicted, &c. ſhall ſuffer Death.

BUT if any Man or Woman who have once had the Benefit of this Act as aforeſaid, and ſhall be again convicted of any other Felony hereby made Capital or Felony of Death, for which a Man might have the Benefit of his Clergy, every ſuch Man and Woman ſhall be and are hereby totally excluded from having any Benefit or Advantage of this Act, but ſhall ſuffer Pains of Death as in Caſes where the Benefit of Clergy is by Law taken away.

Felonies committed in one County, and Acceſſaries in another Indictment againſt ſuch Acceſſary ſhall be effectual.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That where any Murder or Felony hath been or hereafter ſhall be committed in one County of this Province, and one or more Perſons ſhall be Acceſſary or Acceſſaries to any ſuch Murder or Felony in another County; that then an Indictment found or taken againſt ſuch Acceſſary or Acceſſaries, upon the Circumſtance of ſuch Matter before Juſtices of the Peace, or other Juſtices or Commiſſioners to enquire of Felonies in the County where ſuch Offences of Acceſſary or Acceſſaries in any Manner have been or ſhall be committed or done, ſhall be as good and effectual in Law, as if the ſaid principal Offence had been committed or done within the ſame County where the Indictment againſt ſuch Acceſſary hath been or ſhall be found.

The Keepers of the Records, where ſuch Principal has been attainted, &c. Certifying that ſuch Principal is attainted, &c. the Juſtices may proceed againſt the Acceſſaries. Who are to be tried, &c. as by the Statute of 2d. and 3d of *Edw.* VI. Chap. 24.

AND that the Juſtices of the ſaid Supream-Court, or two of them, upon Suit to them made, ſhall write to the Keepers of the Records where ſuch Principal is or ſhall be hereafter attainted or convict, to certify them, whether ſuch Principal be attainted, convicted, or otherwiſe diſcharged of ſuch principal Felony: Who upon ſuch Writing to them, or any of them directed, ſhall make ſufficient Certificate in Writing, under their Seal or Seals, to the ſaid Juſtices, whether ſuch Principal be attainted convicted, or otherwiſe diſcharged or not, And after they ſo have the Cuſtody of ſuch Records, do certify, that ſuch Principal is attainted, convicted or otherwiſe diſcharged of ſuch Offence by the Law, then the Juſtices of Goal-Delivery or of Oyer and Terminer ſhall proceed upon every ſuch Acceſſary in the County, where he or they became Acceſſary, in ſuch Manner and Form as if both the ſaid principal Offence and Acceſſary had been committed and done in the ſame County where the Offence of Acceſſary was or ſhall be committed or done.

Penalties, &c. on Subornation of Perjury.

AND that every ſuch Acceſſary, and other Offenders above expreſſed, ſhall anſwer upon their Arraignments and receive ſuch Trial, Judgment, Order and Execution, and ſuffer ſuch Forfeitures, Pains and Penalties, as is uſed in other Caſes of Felony; and as the Statute made in the Second and Third Year of King *Edward* the Sixth, Chap. 24. entituled, *An Act for the Trial of Murders and Felonies committed in ſeveral Counties*, doth direct in ſuch Caſes; which Statute ſhall be obſerved in this Province; any Law or Uſage to the Contrary notwithſtanding.

The Statute of 5th of *Eliz.* Chap. 9. againſt Perjury ſhall be obſerved here.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That every Perſon who ſhall unlawfully and corruptly procure any Witneſs to commit wilful and corrupt Perjury in any Matter or Cauſe depending in Suit and Variance in any of the Courts of Judicature in this Province, or ſhall unlawfully and corruptly procure and ſuborn any Witneſs to teſtify upon Oath or Affirmation, in any Matter, Cauſe or Thing whatſoever, ſuch Offender ſhall forfeit the Sum of *Forty Pounds*, one Half thereof to the Governor, for the Support of this Government, and the other Half to the Party grieved: But for want of Lands, Goods, or Chattels to ſatisfy the ſaid *Forty Pounds*, every ſuch Offender, being convicted or attainted of Perjury or Subornation aforeſaid, ſhall, for his ſaid Offence, ſuffer Impriſonment by the Space of ſix Months, without Bail, and ſtand on the Pillory the Space of one whole Hour, in ſome Market-Town, or publick Place where the Offence was committed; and ſhall ſuffer all the other Puniſhments, Penalties, Forfeitures and Diſabilities which are inflicted upon ſuch Offenders by any Law or Statute of *Great Britain*.

Juſtices of Goal Delivery to give Judgment, &c. againſt Perſons reprieved.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That in all Caſes where any Perſon or Perſons have been or ſhall be found guilty of any of the ſaid Crimes, for which Judgment of Death ſhould or may enſue, and ſhall be reprieved to Priſon without Judgment, at that Time given him, her or them ſo found guilty; that thoſe who now are, or hereafter ſhall be aſſigned Juſtices, to deliver the Goal where any ſuch guilty Perſons ſhall remain, are hereby impowered and authorized to give Judgment of Death, and award Execution againſt ſuch Perſons ſo found guilty and reprieved,

as

as the ſame Juſtices before whom ſuch Perſon or Perſons was or were found Guilty, might have done before ſuch Reprieve.

AND that no Manner of Proceſs or Suit made, ſued or had before any of the King's Juſtices of the Supream or Provincial Courts, Goal-delivery, Over and Terminer, Juſtices of the Peace, or other the King's Commiſſioners, in this Province, ſhall not in anywiſe be diſcontinued by the making and publiſhing of any new Commiſſion or Aſſociation, or by altering the Names of the Juſtices of the ſaid Supream Court, Goal-Delivery, Oyer and Terminer, Juſtices of Peace, or other the King's Commiſſioners; but that the new Juſtices of the ſaid Supream Court, Goal-Delivery and of the Peace, and other Commiſſioners, may proceed in every reſpect as if the old Commiſſions and Juſtices, and Commiſſioners, had ſtill remained and continued unaltered. No Proceſs to be diſcontinued by iſſuing new Commiſſions for Juſtices, &c.

AND that no Proceſs, Pleas, Plaints, Suits, Actions or Proceedings whatſoever, which now are, or at any Time hereafter ſhall be commenced, ſued, brought or depending before any of the ſaid Juſtices of the Supream Court, Juſtices of the Courts of Common-Pleas, or other the King's Juſtices, Commiſſioners or Magiſtrates in this Province, ſhall be diſcontinued or put without Day, by Reaſon of the Death or Removal of the Proprietary or his Lieutenant Governor of this Province, or by the Death, new Commiſſions, or not coming of the ſaid Juſtices or Commiſſioners, or any of them; but ſhall ſtand good and effectual in Law to all Intents and Purpoſes notwithſtanding the Death or Removal of the ſaid Proprietary and Governor, or of the Death, new Commiſſion, Aſſociation, or not coming of the ſaid Juſtices, or any of them. Nor by the Death or Removal of the Proprietary, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon or Perſons, after the Firſt Day of *October*, in this preſent Year One Thouſand Seven Hundred and Eighteen, ſhall commit any ſimple Larceny, which is not by this Act made Felony of Dearh, and be duly convicted thereof at the Court of Quarter-Seſſions of the Peace, to be held for the reſpective County where ſuch Offence is committed, or where the Offender becomes Acceſſary in this Province, he, ſhe or they ſo offending, their Aiders, Comforters and Abettors, ſhall, for the firſt Offence, reſtore the Goods and Chattels ſo ſtolen to the right Owner or Owners thereof, or ſhall pay him or them the full Value of ſuch Goods, or ſo much of them as cannot be reſtored; which Value ſhall be ſet by ſuch Perſons as the Court, before whom ſuch Offenders are convicted, ſhall appoint to do the ſame, upon their Oaths or Affirmations; and the ſaid Offenders ſhall alſo pay the Coſts of Proſecution, with all ſuch other Sums of Money as the ſame Court ſhall allow for ſuch Owner or Owners Loſs of Time, Charges and Diſburſements in the Apprehending and Proſecution of ſuch Offender. The Puniſhment of Perſons convicted of Larcenies; for the firſt Offence.

AND moreover ſhall forfeit and pay the like Value of the Goods to the Governor for the Support of this Government, and ſhall be committed to the common Goal of the County where they are convicted, there to remain till they make Satisfaction for all the Sums ſo to be adjudged or recovered againſt them, and moreover ſhall be publickly whipped on his or their bare Backs with Stripes well laid on, not exceeding Twenty-one.

AND that he or they who ſhall ſo as aforeſaid be convicted of the ſecond Offence, and his and their Aiders, Comforters and Abettors, ſhall pay to the right Owner or Owners of the Goods and Chattles ſo ſtolen, the full Value of ſuch Goods and Chattels, or of ſo much of them as are not reſtored; which Value ſhall be ſet as aforeſaid, and the ſaid Offenders ſhall alſo pay the Coſts and Charges aforeſaid; to be allowed as above-mentioned. For the ſecond.

AND moreover, ſhall forfeit and pay, the double Value of the ſaid Goods to the Governor, for the Support of this Government, and ſhall be committed to the common Goal of the County where they are convicted, there to remain till they make Satisfaction as aforeſaid, and ſhall be publickly whipped on their bare Backs, with Stripes well laid on, not leſs than Twenty-one, nor exceeding Forty.

AND he or they who ſhall be ſo as aforeſaid convicted of the third Offence, and his or their Aiders or Abettors, ſhall pay to the right Owner or Owners of ſuch ſtolen Goods the full Value thereof to be ſet as aforeſaid, and the ſaid Offenders ſhall alſo pay the Coſts and Charges aforeſaid, to be allowed as aforeſaid; and ſhall alſo forfeit and pay the like treble Value to the Governor for the Support of this Government, and ſhall be committed to the County Goal, there to remain till they make Satisfaction as aforeſaid; and ſhall be publickly whipped on his or their bare Backs, with Stripes well laid on, not leſs than Thirty-nine, nor exceeding Fifty. For the third.

AND that the ſaid Juſtices before whom ſuch Offenders ſhall be tried and convicted of the third Offence, ſhall alſo, at their Diſcretion, award and give Judgment, that ſuch Offenders ſhall be ſent to ſome Houſe of Correction, or publick Work-houſe, and there to be ſet at Work, corrected, and remain without Bail for ſuch Time as the ſaid Juſtices ſhall then judge and award, not leſs than twelve Months, and not exceeding four Years, to be accounted from the Time of ſuch Conviction, and an Entry ſhall be thereof made accordingly, as is herein above directed in other Caſes.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That none of the ſaid Impriſonments hereby awarded, as Part of the Puniſhment of the ſaid Offenders, or any of them, ſhall ſtop or avoid the awarding or taking out of Executions to levy ſo much of the reſpective Sums recovered againſt them as aforeſaid, as ſuch Offenders refuſe or neglect to pay when ſuch Writs are taken out. Which Executions ſhall be directed to the Sheriff or Coroner of the proper County, requiring him to levy the Sums due upon ſuch Recoveries as aforeſaid, of the Lands and Tenements, Goods and Chattles of ſuch Offenders, returnable to the Court of Quarter-Seſſions next after the Date or Teſt of ſuch Writs; which ſhall be executed accordingly, and the Lands, Goods and Chattles thereby ſeized ſhall be ſold and conveyed by the ſaid Officers; and ſuch Sales ſhall be as available Impriſonments, &c. not to ſtop Execution againſt their Eſtates.

The Form of ſuch Executions.

vailable and effectual in Law as any other Sales of Lands taken and sold for Payment of Debts by Virtue of Writs of Execution, awarded out of the Courts of Common-Pleas in the said respective Counties.

The Forfeitures arising from simple Larcenies for Support of Government shall be paid to the Provincial Treasurer.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all the said Forfeitures arising from Offenders who shall be convicted of the said Simple-Larcenies, and by this Act directed to be applied for Support of Government, shall be duly levied by the Sheriffs of the respective Counties, and shall be paid into the Treasury of this Province from time to time, as soon as the same can be levied; and the Provincial Treasurer for the time being shall keep true and just Accounts thereof, and shall issue and pay the same to the Use and publick Service of this Government.

Excepting Philadelphia.

PROVIDED, That the Forfeitures arising from the said Simple-Larcenies committed within the City of *Philadelphia* shall go as their Charter directs.

The Testimony of Owners of stolen Goods to be Evidence.

PROVIDED ALSO, AND IT IS HEREBY ENACTED AND DECLARED, That the Testimony of the said Owners of stolen Goods shall be allowed and taken to be good Evidence to convict the said Felons for such Stealing: And that the Law of this Province, intituled, *An Act against Robbing and Stealing*, passed in the Fourth Year of the late Queen *Anne*; and another Act, *directing the Punishment of petty Larceny under Five Shillings*, shall be and are hereby repealed.

Repeal of two Laws. 13. *Will.* 3.

Such as compound for stolen Goods forfeit twice the Value, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons shall agree or compound or take Satisfaction for any Stealing, or Goods stolen, such Person shall forfeit twice the Value of the Sums agreed for or taken: But no Person shall be debarred from taking his Goods back which are stolen, provided he prosecute the Felon.

No Indictment, &c. now depending shall be discontinued.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Indictment, Presentment, or Inquisition, or any Process whatsoever, now depending in any Court within this Province for any of the Crimes or Offences mentioned in this Act, shall be discontinued, abated or quashed for or by Reason of this Act, or any Thing therein contained; but that the Judges and Justices of the respective Courts within this Province shall proceed to hear, try and determine the said Offences in such Indictments, Presentments and Inqisitions mentioned to be committed against any Act or Acts of Assembly of this Province as were in Force at the Time of finding, making or taking the said Indictments, Presentments and Inquisitions, and thereupon to give Judgment, and award Execution, according to the Direction of the said respective Acts of Assembly, upon which the said Indictments, Presentments or Inquisitions are founded, as if the same Act or Acts of Assembly were by a special Clause in this Act continued for that Purpose; any Thing herein contained to the contrary notwithstanding.

Passed *May* 31*st*, 1718. Recorded A, Vol. 2. p. 190

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ante 39
foot 137.

CCXXIII. *An* ACT *for supplying some Defects in the Law for the Relief of the Poor.*

A Settlement for being relievable by the Poor Act is gained by one Year's Service, &c.

2 Raym. 1512.

WHEREAS by a Law of this Province, intituled, *An Act for Relief of the Poor*, it is provided, That the Overseers of the Poor for the respective Townships shall make Rates or Assessments for the Relief of the Poor, indigent and impotent Persons inhabiting within the said Townships: But it is not ascertained what Settlement shall render one an Inhabitant relieveable by the said Act: BE IT THEREFORE ENACTED by WILLIAM KEITH, Esq; by and with the King's Royal Approbation Deputy-Lieutenant and Governor under WILLIAM PENN, Esq; Proprietary and Governor in chief of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That where any unmarried Person, not having Child or Children, is or shall be lawfully hired as a Servant into any City, Township or District in this Province, and did or shall continue and abide in the same Service during the Space of one whole Year, such Service shall be adjudged and deemed a good Settlement therein. 2 Str. 1022.

By Apprenticeship.

2 Raym. 1371.

AND if any Person shall be bound an Apprentice by Indenture, and inhabit in any City or Township in this Province, such Binding and Inhabiting shall be adjudged a good Settlement.

By Holding a publick Office and paying Taxes, &c.

BSC 46 47.

AND if any Person who hereafter shall come to inhabit in any of the said Townships or Districts, shall for himself, and on his own Account execute any publick annual Office or Charge in the said Township or District during one whole Year, and shall be charged with and pay his Share towards the County Taxes or Levies for the Poor of the said Township or District, then he shall be adjudged and deemed to have a legal Settlement in the same.

By taking a Lease of a Tenement of 5*l.* per Ann. or giving Security.

AND that no other Person or Persons whatsoever who shall come into any County, City, Township or District within this Province, shall be adjudged to have procured a legal Settlement in such County, City, Township or District, unless he or they shall really and *bona fide* take a Lease of a Tenement or Plantation, of the yearly Value of *Five Pounds*, or unless he or they give sufficient Security for the Discharge of the said County, City, Township or District, to be allowed by any two Justices of the Peace or Magistrates of such County or City.

Persons required to return, &c. not to gain a Settlement by their continuance

PROVIDED ALWAYS, That where any Person or Persons are come into any County, City, Township or District in this Province, out of any other County, City, Township or District, or out of any other Place or Province, and being likely to become chargeable to the Place where they are so come to inhabit; have been or shall be required by the Overseers of the Poor to return from whence they came, or give Security for the Discharge of the County, Township or Place where they are come to inhabit; be,

he, ſhe or they refuſing and neglecting ſo to do, ſhall not be deemed to have acquired a legal Settlement by their Continuance in the Place or Places where they are ſo come to inhabit; but that upon Complaint made by the Overſeers of the Poor of the proper Township or Diſtrict, to any one or more of the Juſtices of Peace or Magiſtrates of the proper County or City reſpectively, where any of the ſaid Perſons (refuſing or neglecting to return or give Security, or coming to ſettle in any Tenement or Plantation under the ſaid yearly Value of *Five Pounds*, or not otherwiſe obtaining a lawful Settlement, according to the true Meaning of this Act) ſhall reſide or be found at the Time of ſuch Complaint, it ſhall and may be lawful to and for any two Juſtices of the Peace of the County or City where any of the ſaid Perſons who are likely to be chargeable to the Township or Place where they reſide or ſhall come to inhabit, by their Warrant, to remove and convey ſuch Perſon or Perſons to the County, City, Township or Place where he ſhe or they were laſt legally ſettled, either as Native, Houſholder, Sojourner, Apprentice or Servant, unleſs he or they give ſufficient Security for the Diſcharge of the ſaid County, City or Townſhip; to be allowed by the ſaid Juſtices.

Complaint to the Sessions of the Justices order and rules 361.

But may be removed to the Place where they laſt ſettled by Warrant &c.

Mod. Cases in Law & Eq. A pauper cant be moved when so ill as to endanger his life and perform the like as such as do.

PROVIDED ALWAYS, That if any Perſon or Perſons ſhall find him, her or themſelves aggrieved by any Order or Determination which any of the ſaid Juſtices of the Peace or Magiſtrates ſhall make in any of the Caſes aboveſaid, ſuch Perſon or Perſons ſhall have Liberty to appeal to the next General Quarter-Seſſions of the Peace of the County or City where ſuch Determination ſhall be made: Who upon Hearing of ſuch Appeal ſhall have full Power finally to determine the ſame, and to award Coſts as the Juſtices of the Peace at their Quarter-Seſſions in *Great Britain*, by a Statute made in the 8th and the 9th Year of King *William* the Third, are impowered and required to do in ſuch Caſes.

Saving appeal to the next Seſſions.

AND if any Perſon be removed by Virtue of this Act from one County, City, Townſhip or Place to another by Warrant under the Hands and Seals of two Juſtices of the Peace or Magiſtrates as aforeſaid, that the Overſeers of the Poor of the Townſhip or Diſtrict to which the ſaid Perſons ſhall be ſo removed are hereby required to receive the ſaid Perſons: And if any of the ſaid Overſeers ſhall refuſe or neglect ſo to do, he or they ſo offending, upon Proof thereof by one or more credible Witneſſes, upon Oath or Affirmation before any one of the Juſtices of the Supream-Court of this Province, ſhall forfeit for each Offence the Sum of *Five Pounds*, to the Uſe of the Poor of the Townſhip or Diſtrict from which ſuch Perſon was removed; to be levied by Diſtreſs and Sale of the Offender's Goods, by Warrant under the Hand and Seal of the Juſtices of the ſaid Supream-Court, which they are hereby impowered and required to make, directed to the Conſtable of the Township where ſuch Offender or Offenders dwell, returning the Overplus, if any be, to the Owner or Owners: And for want of ſufficient Diſtreſs, then the Offender to be committed to the Goal of the County where he dwells, there to remain without Bail or Mainprize for the Space of Forty Days.

The Overſeers of the Diſtrict whereto any ſhall be removed, are to receive them on Penalty, &c.

PROVIDED ALWAYS, That all ſuch Perſons who think themſelves aggrieved with any ſuch Judgment of the ſaid two Juſtices, may appeal to the next General Quarter-Seſſions of the Peace to be held for the County or City from which the ſaid Perſon was ſo removed: And that the Appeal againſt any Order for the Removal of any poor Perſon out of any Township or Place ſhall be had, proſecuted and determined at the General Quarter-Seſſions of the Peace for the County, City or Place from whence ſuch poor Perſons ſhall be removed, doth lie, and not elſewhere.

But may appeal to the Quarter-Seſſions of the County from which ſuch Poor was removed.

AND to the End that the Monies raiſed only for the Relief of ſuch as are impotent and poor may not be miſapplied and conſumed by the idle, ſturdy and diſorderly Beggars, BE IT FURTHER ENACTED, by the Authority aforeſaid, That every ſuch Perſon as from the Twenty-fourth Day of *June*, in this preſent Year One Thouſand Seven Hundred and Eighteen, ſhall be upon the Collection, and receive Relief of any County, City or Place, and the Wife and Children of any ſuch Perſon cohabiting in the ſame Houſe (ſuch Child only excepted as ſhall be by the Overſeers of the Poor permitted to live at Home, in order to have the Care of, and attend any impotent and helpleſs Parent) ſhall, upon the Shoulder of the right Sleeve of the upper Garment of every ſuch Perſon, in an open and viſible Manner, wear ſuch Badge or Mark as is herein after mentioned and expreſſed, *That is to ſay*, a large Roman [P] together with the firſt Letter of the Name of the County, City or Place whereof ſuch poor Perſon is an Inhabitant, cut either in red or blue Cloth, as by the Overſeers of the Poor it ſhall be directed and appointed.

Poor Perſons relieved by any County, &c. to wear a Badge, &c.

AND if any ſuch poor Perſon ſhall at any Time neglect or refuſe to wear ſuch Badge or Mark as aforeſaid, and in Manner aforeſaid, it ſhall and may be lawful for any Juſtice of the Peace of the County, City or Place where any ſuch Offence ſhall be committed, upon Complaint to him for that Purpoſe made, to puniſh every ſuch Offender for every ſuch Offence, either by ordering of his or her Relief, or uſual Allowance on the Collection, to be abridged, ſuſpended or withdrawn; or otherwiſe, by committing ſuch Offender to the Houſe of Correction, there to be whipped and kept at hard Labour for any Number of Days not exceeding Twenty-one, as to the ſaid Juſtice ſhould ſeem meet.

Puniſhment on ſuch poor Perſons not wearing a Badge.

AND if any ſuch Overſeer of the Poor ſhall relieve any ſuch poor Perſon not having or wearing ſuch Badge or Mark as aforeſaid, being thereof convicted, upon the Oath or Affirmation of one or more credible Witneſſes, before any Juſtice of the Peace of the County or City where ſuch Offence ſhall be committed, ſhall forfeit for every ſuch Offence the Sum of *Twenty Shillings*; to be levied by Diſtreſs and Sale of the Goods of every ſuch Offender, by Warrant under the Hand and Seal of any ſuch Juſtice: One Moiety thereof to the Informer, and the other to the Poor of the Township or Place where the Offence ſhall be committed.

If the Overſeers relieve ſuch as wear not the ſaid Badge, ſhall forfeit &c.

Paſſed *May* 31ſt, 1718. Recorded A Vol. 2. p. 199.

CCXXIV. *An* ACT *for the veſting the Houſe and Lot of Ground lying in* Philadelphia, *late the Eſtate and Inheritance of* William Clark, *of* Lewis, *in the County of* Suſſex, *deceaſed, in Truſt, to be ſold for the Payment of his Debts,* &c. Repealed by the King in Council, *Jan.* 8th, 1719.

Paſſed *May* 31ſt, 1718. Recorded A, Vol. 2, p. 202.

At the Council-Chamber, Whitehall, *the Twenty-ſixth Day of* May, *One Thouſand Seven Hundred and Nineteen.*

PRESENT,

Their Excellencies the Lords Juſtices,

A. B. of *Canterbury,*	E. of *Barkley,*
L. Chancellor,	Mr. Secretary *Craggs,*
L. Preſident,	D. of *Mancheſter,*
L. Privy Seal,	B. of *London,*
L. Steward,	E. of *Weſtmoreland,*
L. Chamberlain,	Mr. C. of the Dutchy,
D. of *Marlborough,*	E. of *Ilay,*
D. of *Roxbury,*	General *Wills,*
Earl of *Sunderland,*	E. of *Halifax.*

UPON reading this Day at the Board a Repreſentation from the Lords Commiſſioners of Trade and Plantations, dated the Firſt of this Inſtant, ſetting forth their having had under their Conſideration an Act paſſed at an Aſſembly in *Pennſylvania,* held in *May,* 1718, intituled, *An Act for the Advancement of Juſtice, and more certain Adminiſtration thereof*; and the ſaid Commiſſioners having taken the Opinion of Counſel learned in the Law, touching the ſame, do humbly preſent the ſaid Act as proper to be confirmed: Their Excellencies the Lords Juſtices in Council, taking the ſame into Conſideration, are pleaſed (purſuant to the Powers reſerved to his Majeſty in the Charter of Propriety granted to *William Penn,* Eſq;) to declare their Approbation of the ſaid Act, and according to their Excellencies Pleaſure thereupon expreſſed, the ſaid Act is hereby confirmed, finally enacted and ratified, whereof the Deputy Governor, Council and Aſſembly of the ſaid Province, and all others whom it may concern, are to take Notice, and govern themſelves accordingly.

ROBERT HALES.

Recorded A, Vol. 2 p. 204.

At the Council-Chamber, Whitehall, *the 21ſt of* July, 1719.

PRESENT,

Their Excellencies the Lords Juſtices,

Arch Bp. of *Canterbury,*	Earl of *Sunderland,*
Lord Chancellor,	Earl of *Ilay,*
Lord Privy Seal,	Mr. Secretary *Craggs,*
Lord Steward,	Mr. Chancellor of the Dutchy,
Duke of *Roxburgh,*	General *Wills.*
Lord Preſident,	

UPON reading this Day at the Board a Repreſentation from the Lords Commiſſioners of Trade and Plantations, dated the 8th of this Inſtant, ſetting forth their having had under Conſideration ſeveral Acts paſſed in *Pennſylvania,* intituled as followeth, *viz.*

An Act for amending divers Laws therein mentioned.
An Act of Privileges to a Freeman.
An Act for impowering religious Societies to buy, hold and enjoy Lands, Tenements, &c.
An Act for eſtabliſhing the Courts of Quarter-Seſſions in this Province.
An Act for eſtabliſhing the ſeveral Courts of Common-Pleas in this Province.
An Act for erecting a Supream or Provincial Court of Law and Equity in this Province.
An Act for corroborating the Circular-Line between the Counties of Cheſter *and* New-Caſtle.
An Act for the Eaſe of ſuch as conſcientiouſly ſcruple to take the ſolemn Affirmation formerly allowed in Great-Britain.
An Act for the better aſcertaining the Practice of the Courts of Judicature in this Province.
An Act for laying a Duty on Wine, Rum, Brandy and Spirits, Cyder and Hops imported.
An Act for laying a Duty on Negroes imported into this Province.

AND the ſaid Lords Commiſſioners having the Opinion of Mr. *Weſt,* one of his Majeſty's Council, learned in the Law, upon the ſame, do humbly preſent the ſaid Acts as proper to be repealed, Their Excellencies the Lords Juſtices in Council taking the ſame into Conſideration, are pleaſed purſuant to the Powers reſerved to his Majeſty in the Charter of Propriety granted to *William Penn,* Eſq; to declare their

their Diſallowance of the ſaid Acts: And according to their Excellencies Pleaſure thereupon expreſſed, the ſaid Acts are hereby repealed, and declared void and of none Effect. Whereof the Deputy Governor Council and Aſſembly of the ſaid Province and all others whom it may concern, are to take Notice, and govern themſelves accordingly.

JAMES VERNON.

At the COURT *at* St. James's *the 8th of* January 1719.

PRESENT

The King's moſt Excellent Majeſty,

Arch. B. of *Canterbury,*	Earl of *Sunderland,*
Lord Chancellor,	Earl of *Loudon,*
Lord Preſident,	Earl of *Comingsby,*
Lord Privy-Seal,	Mr. Secretary *Craggs,*
Lord Steward,	Mr. Chancellor of the Exchequer,
Duke of *Bolton,*	Mr. Chancel. of the Dutchy,
Duke of *Montroſe,*	General *Earle,*
Duke of *Roxburgh,*	Mr. *Hampden,*
Marqs. of *Amandale,*	General *Wills.*
Earl of *Lincoln,*	

UPON Reading this Day at the Board a Repreſentation from the Lords Commiſſioners of Trade and Plantations, dated the ninth of *December*, 1719. ſetting forth their having had under Conſideration an Act paſſed in *Pennſylvania*, in 1718 intituled, *An Act for veſting the Houſe and Lot of Ground lying in* Philadelphia, *late the Eſtate and Inheritance of* William Clark *of* Lewis, *in the County of* Suſſex, *deceaſed, in Truſtees to be ſold for the Payment of his Debts.* &c. And the ſaid Lords Commiſſioners, having taken the Opinion of Mr. *Weſt*, one of his Majeſty's Council learned in the Law thereupon, do humbly preſent the ſaid Act as proper to be repealed: His Majeſty in Council, taking the ſame into Conſideration, is pleaſed, purſuant to the Powers reſerved to his Majeſty in the Charter of Propriety granted to *William Penn*, Eſq; to declare his Diſallowance of the ſaid Act, and according to his Majeſty's Pleaſure thereupon expreſſed, the ſaid Act is hereby Repealed and declared void and of none Effect: Whereof the Deputy-Governor Council and Aſſembly of the ſaid Province, and all others whom it may concern are to take Notice and govern themſelves accordingly.

ROBERT HALES.

Recorded A, Vol. 2. p. 204.

CCXXV. *An* ACT *Laying an Exciſe or Duty on all Wine, Rum, Brandy and other Spirits retailed in this Province.* Expired. V Geo. I. A. D. 1718.

Paſſed *April 25th*, 1719. Recorded A, Vol. 2. p. 205.

CCXXVI. *An* ACT *for continuing ſeveral Acts therein mentioned, laying a Duty on Wine, Rum, Brandy, Spirits, Cyder and Hops, Flax, Negroes and Veſſels, until the Fourteenth Day of* May, *in the Year One Thouſand Seven Hundred and Twenty two.* Expired. VII. Geo. I. A. D. 1720

Paſſed *February 24th*, 1720-21. Recorded A, Vol. 2. p. 211.

CCXXVII. *An* ACT *for Erecting and Maintaining of Powns.* Repealed by Act of Aſſembly, II. Geo. II.

Paſſed *February 24th.* 1720-21. Recorded A, Vol. 2. p. 212.

CCXXVIII. *An* ACT *for Regulating Party-Walls, Buildings and Partition-Fences in the City of* Philadelphia.

WHEREAS divers Inconveniencies, Irregularities and Controverſies have lately been, and ſtill frequently happen, in Relation to Party-Walls and laying the Foundation of Buildings in the City of *Philadelphia*: For the Remedying whereof for the future, BE IT ENACTED by WILLIAM KEITH, Eſq; Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That no Perſon or Perſons, Builder or Builders whatſoever ſhall, from and after the Twenty-fifth Day of *March*, *One Thouſand Seven Hundred and Twenty-one*, lay the Foundation of any Building or Party-Wall within the ſaid City, before they have applied themſelves to the Surveyors or Regulators, to be appointed by the Mayor and Commonalty of the ſaid City in their Common-Council; who are hereby impowered to appoint two or more diſcreet and skilful Perſons for that Purpoſe.

No Foundation to be laid before applying to the Regulators; to be appointed by the Mayor, &c.

AND BE IT FURTHER ENACTED, That the ſaid Surveyors or Regulators, upon Application to them made, ſhall have full Power and Authority to enter upon the Land of any Perſon or Perſons in order to ſet out the Foundations, and regulate the Walls to be built between Party and Party, as to the Breadth or Thickneſs thereof; Which Foundation ſhall be laid equally upon the Lands of the Perſons between

Their Power

The firſt Builder of a Party Wall ſhall be repaid by him who Builds thereon.

between whom ſuch Party-Wall is to be made; and the firſt Builder ſhall be reimburſed one Moiety of the Charge of ſuch Party-Wall, or for ſo much thereof as the next Builder ſhall have occaſion to make uſe of before ſuch next Builder ſhall any ways uſe or break into the ſaid Wall. The Charge or Value thereof to be ſet by the ſaid Regulators.

Penalty on laying a Foundation without being viewed, &c.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That if any Perſon or Perſons ſhall, of their own Authority, preſume to begin or lay the Foundation of any Party-Wall before the ſame be viewed and directed by the ſaid Regulators, or ſome two of them, every ſuch Perſon, as well Imployer as Maſter-Builder, ſhall forfeit the Sum of *Five Pounds*; one Half to the Proſecutor or Informer, and the other Half to the publick Uſe and Benefit of the ſaid City; to be recovered by Bill, Plaint or Information in the Court of Common-Pleas, to be held for the City and County of *Philadelphia*, wherein no Protection or Wager of Law ſhall be allowed, nor any more than one Imparlance.

Perſons finding themſelves aggrieved, &c. may apply to the Mayor, &c.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED, That if either Party between whom ſuch Foundation or Party-Wall is to be made, ſhall find themſelves any ways aggrieved, by the Order or Direction of the ſaid Regulators, he or they may appeal to the Mayor and Commonalty of the ſaid City at the next Common-Council, who ſhall finally adjuſt and ſettle the ſame; which ſhall conclude and bind all Parties; the Coſts whereof to be paid as the Mayor and Commonalty ſhall direct and appoint.

The Regulators Fees.

AND BE IT FURTHER ENACTED, That the ſaid Regulators or Surveyors, attending the ſaid Service, for their Pains and Trouble in and about the Premiſes, ſhall be paid by the Party or Parties concerned in ſuch Foundation or Erecting ſuch Party-Wall, the Sum of *Three Shillings* each.

Regulation of Partition Fences, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Surveyors or Regulators, or any two of them, ſhall have full Power to regulate Partition-Fences within the ſaid City; and where the adjoining Parties do improve or incloſe their Lots, ſuch Fences ſhall be made in the Manner generally uſed, and kept in good Repair, at the equal Coſt of the Parties, ſo that the Price for Making exceed not *Forty Shillings*, for every Hundred Feet; unleſs the Owners or Poſſeſſors between whom ſuch Fence is or ſhall be erected do agree otherwiſe.

Coſt of erecting and repairing ſuch Fences how to be recovered.

AND BE IT FURTHER ENACTED, That if either Party between whom ſuch Partition-Fence is or ſhall be made, ſhall neglect or refuſe to pay his Part or Moiety for the repairing or ſetting up of ſuch Partition-Fence as aforeſaid, that then the Party at whoſe Coſt the ſame was ſo repaired or ſet up, may have either his Action at Law, or have the ſame determined as in Caſes of Debts under *Forty Shillings*, as the Caſe may require.

Paſſed *Feb.* 24th, 1720-21. Recorded A, Vol. 2. p. 214.

CCXXIX. *An* ACT *for the Trial and Puniſhment of Larceny under* Five Shillings.

Preamble.

WHEREAS ſmall or petty Larcenies are frequently committed within this Province by Perſons unable to maintain themſelves in Priſon till Proſecution can be made, or to pay the Coſts of ſuch Proſecution, or to make ſuch Reſtitution and Forfeiture, upon Conviction, as by Law is now required; by Means whereof a publick Charge is created, with many other great Inconveniencies: For the better preventing whereof, BE IT ENACTED by WILLIAM KEITH, Eſq; Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That if any Perſon or Perſons from and after the Publication hereof, ſhall be convicted, either by his, her or their own Confeſſion, or the Teſtimony of other creditable Evidence, before any two Magiſtrates of the City of *Philadelphia*, or before any two Juſtices of the Peace in their reſpective Counties within this Province, of having feloniouſly ſtolen any Money, Goods or Chattels, the ſame being under the Value of *Five Shillings*, ſuch Perſon ſhall have Judgment to be immediately and publickly whipped upon his or her bare Back not exceeding Fifteen Laſhes, or be fined, for the firſt Offence, at the Diſcretion of the ſaid Magiſtrates, in any Sum not exceeding *Twenty Shillings*, and to make Reſtitution, if able, to the Party wronged; and ſhall alſo pay the Charges of Proſecution and Whipping, or ſhall be ſent to the Work-houſe, to be kept at hard Labour: And for want of ſuch Work-houſe, to be committed to Priſon for ſuch Charges, for any Time not exceeding twelve Days; any Act of this Government to the contrary notwithſtanding.

Puniſhment &c. on any Perſon ſtealing under the Value of 5 s.

Appeals to the Seſſions allowed on giving Security.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED That if the Perſon or Perſons charged with ſuch Larcenies be free, and requeſt to be tried at the General-Seſſions, or Court of Record to be held for the ſaid City or Counties reſpectively, the ſame ſhall be granted by the ſaid Magiſtrates, he or they giving Security for their Appearance to anſwer, or the Perſon ſo appealing ſhall be committed, as is uſual in ſuch Caſes, But if the Perſon charged with ſuch Larcenies be a Servant, he or ſhe ſhall not have any Appeal, unleſs the Maſter, Miſtreſs or Friend of ſuch Servant ſhall become Security for his or her Appearance at the next Court, as is uſual in ſuch Caſes.

Fair Records of Proceedings herein to be kept, &c.

AND BE IT FURTHER ENACTED, That one or more of the Magiſtrates, who ſhall give Judgment by Virtue of this Act, ſhall keep fair Records of his or their Proceedings therein.

Paſſed *Feb.* 24th, 1720-21. Recorded A, Vol. 2. p. 216.

CCXXX. *A Supplementary* ACT *to a Law of this Province, intituled, "An Act that no Publick-houſe or Inn within this Province be kept without Licence.*

WHEREAS divers Perſons within this Province, under Colour of retailing Rum and other ſtrong Liquors without Doors, for the Conveniency and Supply of the Inhabitants in their Families; and for that End having obtained Permits from the Collector of the Exciſe, do ſell in or about their Houſes Drams and ſtrong Liquors by ſmall Meaſures, as well to Servants as others, contrary to the true Intent and Meaning of the Laws of this Province. AND WHEREAS divers Inn-holders or Tavern-keepers do frequently entertain and ſuffer Minors and Servants to be tippling in their Houſes: All which being to the great Damage of the Inhabitants, and manifeſtly tending to the corrupting of Youth, and promoting Vice and Immorality: For preventing thereof, BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That no Recommendation ſhall be iſſued by the Juſtices of the reſpective Counties of this Province, or the City of *Philadelphia*, in order to obtain Licence, from the Governor for the keeping any Tavern or Publick-houſe, as directed by an Act of this Province, intituled, *An Act that no Publick-houſe or Inn within this Province be kept without Licence*, before the Perſon or Perſons deſiring ſuch Recommendation ſhall become bound in the Prothonotary's Office unto the Governor for the Time being, with Security, if required, in any Sum not exceeding *One Hundred Pounds*, That he or ſhe, on obtaining ſuch Licence, ſhall at all Times be of Good Behaviour, and obſerve all the Laws and Ordinances which are and ſhall be made relating to Inn-keepers or Taverners within this Province.

Preamble.

No Recommendation for Licences to be iſſued &c before Bond given, for good Behaviour, &c.

AND whoſoever ſhall keep a Tavern, Inn or Publick-houſe of Entertainment before he or ſhe hath given Bond as aforeſaid, ſuch Perſon ſhall ſuffer the ſame Penalty as if the ſame had been done without Licence.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Perſon or Perſons within this Province, other than ſuch who are or ſhall be qualified ſo to do by the above recited Law, ſhall preſume, by Virtue of any Permit from the Collector of the Exciſe, or under any other Colour or Pretence whatſoever, to ſell, barter with, or deliver any Wine, Rum, Brandy or other Spirits, Beer, Cyder, or any mixed or ſtrong Liquors, which ſhall be uſed or drank within their Houſes, Yards or Sheds, or which ſhall be, with their Knowledge, Privity or Conſent, uſed or drank in any Shelters, Places or Woods near or adjacent to them, by Companies of Negroes, Servants or others; or to retail or ſell to any Perſon or Perſons whatſoever any Rum, Brandy or other Spirits by leſs Quantity or Meaſure than one Quart; nor any Wine by any leſs Quantity or Meaſure than one Gallon; nor any Beer, Ale or Cyder by any leſs Quantity than two Gallons: And the ſame Liquors reſpectively delivered to one Perſon, and at one Time, without any Colluſion or Fraud contrary to the true Intent and Meaning of this Act, under the ſame Penalty mentioned in the ſaid recited Act for keeping Publick-houſe, or ſelling Liquors without Licence.

No Perſons but ſuch as are licenſed may ſell Liquors by ſmall Meaſure.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Perſon or Perſons keeping a Publick-Houſe or Inn, ſhall truſt or give Credit to any Perſon whatſoever for Liquors, or any other Inn or Tavern Reckonings in any Sum exceeding *Twenty Shillings*, under the Penalty of forfeiting and loſing any ſuch Debt.

Tavern-keepers not to truſt above the Value of 20 s.

AND if any Inn-holder or Keeper of a Publick-houſe, or any Retailers of Liquors within this Province ſhall receive, harbour entertain or truſt any Minor, under the Age of Twenty-one Years, or any Servant, knowing them to be ſuch, or after having been cautioned or warned to the contrary by the Parent, Guardian, Maſter or Miſtreſs of ſuch Minor or Servant, in the Preſence of one or more credible Witneſs or Witneſſes, ſuch Inn-holder, Keeper of Publick-houſe or Retailers of Liquors ſo offending ſhall, for the firſt or ſecond Offence, being duly convicted thereof forfeit and pay the Sum of *Twenty Shillings* for every ſuch Offence, over and above the Loſs and Forfeiture of any Debt ſuch Minor or Servant ſhall or may contract for Liquors or Entertainment: And upon Conviction, for the third Offence, the Licence obtained by ſuch Offender is hereby declared null and void, and the Perſon ſo repeatedly offending ſhall forfeit and pay the Sum of *Five Pounds*, and be for ever after uncapable of keeping a Publick-houſe or Inn within this Province.

Minors and Servants not to be truſted.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Perſon whatſoever within this Province ſhall preſume by any Means to furniſh, ſupply or ſell to any Negroe or Indian Servants any Rum, Brandy, Spirits, or any other ſtrong Liquors whatſoever, mixed or unmixed, either within or without Doors, or ſhall receive, harbour or entertain any Negroe or Indian Servant in or about their Houſes, without ſpecial Licence had and obtained, under the Hand of the Maſter or Miſtreſs of ſuch Negroe or Indian Servant reſpectively, under the Penalty of forfeiting and paying for the firſt Offence *Twenty Shillings*, and for the ſecond, and every Offence after, *Thirty Shillings*; to be recovered before any one Juſtice of the Peace of the County where the Offence is committed, upon Proof of one or more credible Witneſs or Witneſſes, or upon the View of any Magiſtrate within the reſpective Counties of this Province where the Fact ſhall be committed.

Penalty on furniſhing Slaves with Liquors, or harbouring them.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon or Perſons keeping a publick Houſe or Inn, or retailing Liquors as aforeſaid in this Province, ſhall truſt or credit any Perſon for Liquors retailed, or other Expences, above *Twenty Shillings* as aforeſaid, or ſhall preſume to ſue any ſuch Perſon, or ſhall arreſt or attach any Servant for any Debt contracted for Liquors or Accommodations, knowing ſuch Perſon to be a Servant, and after they have been warned or cautioned not to entertain ſuch Servant as aforeſaid, all ſuch Actions and Suits ſhall abate, and the Perſon ſued, and the Maſter

Perſons ſuing for a Tavern Debt above Twenty Shillings to be nonſuited, and pay double Coſts.

ſter or Miſtreſs, in Behalf of ſuch Servant, or the ſaid Servants themſelves, being ſued as aforeſaid, ſhall and may plead this Act in Bar; and the Plaintiff in ſuch Suit ſhall become Nonſuit and pay double Charges.

Fines how to be levied and diſpoſed of.

AND BE IT FURTHER ENACTED, That the ſeveral Fines impoſed by this Act ſhall be levied by Execution on the Offender's Goods, or his or her Perſon be committed to the County Goal until the ſame be paid, upon Conviction of the Party before the Mayor or Recorder of the City of *Philadelphia*, for Offences againſt this Act committed in the City of *Philadelphia*; and before any one or more of the Magiſtrates of the County, for Offences committed in the reſpective Counties: And that all Fines and Forfeitures recovered by Virtue of this Act, which are not otherwiſe appropriated by any former Act, ſhall be applied in Manner following, *That is to ſay*, The one Moiety ſhall be paid to the Father, Mother, Guardian, Maſter or Miſtreſs of the Minor or Servant entertained as aforeſaid, or to the ſaid Servant, as the Magiſtrate ſhall direct; and the other Moiety ſhall be paid unto the Overſeers of the Poor of the City or County where the Offence is committed, for the Uſe of the Poor of the ſaid City or County.

Paſſed *Auguſt* 26th, 1721. Recorded A, Vol. 2. p. 217.

CCXXXII. *An* ACT *for preventing Accidents that may happen by Fire.*

BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That if any Maſter, or other Perſon whatſoever, ſhall bream any Ship, Sloop or other Veſſel with blazing Fire, or cauſe the ſame to be done in any of the Docks, or at any of the Wharffs within the Limits of the City of *Philadelphia*, except in ſuch Place or Places, as ſhall from time to time be appointed for that Service by the Mayor and Commonalty of the ſaid City: And if any Maſter, or other Perſon whatſoever, ſhall heat, or cauſe to be heated, with blazing Fire, any Pitch, Tar, Turpentine, Roſin, Oyl, Tallow, or any ſulphurous Matter, for the Uſe of any Ship or Veſſel, other than ſuch as ſhall be on the Stocks, except in ſuch Places as ſhall be from time to time appointed as aforeſaid; every ſuch Maſter or other Perſon whatſoever doing or cauſing the ſame to be done, being convict thereof by one or more credible Witneſſes, before the Mayor and Recorder, or any two Magiſtrates of the ſaid City, ſhall forfeit and pay the Sum of *Five Pounds* for every ſuch Offence, together with Coſts of Proſecution; one Half whereof for the Uſe of the Perſon or Perſons who ſhall ſue or proſecute for the ſame, and the other Half to be paid to the City Treaſurer for the Uſe of the ſaid City.

Penalty on breaming Veſſels and heating with blazing Fire Pitch, &c. at the Wharffs in the City, except, &c.

No Fire to be kept on board any Veſſel there after 8 at Night,

AND BE IT FURTHER ENACTED, That if any Maſter or other Perſon whatſoever ſhall ſuffer any Fire to be kept (Candle excepted) after the Hour of Eight in the Evening, on board any Ship or other Veſſel lying in any of the Docks, or at any of the Wharffs aforeſaid, or in the Road before the ſaid City, being convict thereof as aforeſaid, ſhall, for every ſuch Offence, forfeit and pay the Sum of *Ten Shillings*, for the Uſes aforeſaid.

Without Licence from the Mayor.

PROVIDED ALWAYS, That it ſhall and may be lawful for the Mayor of the City of *Philadelphia* for the Time being, by Licence under his Hand, to permit the Maſter of any Veſſel lying in the Road of *Philadelphia* aforeſaid, to uſe Fire on board ſuch Ship or Veſſel after the Hour of Eight aforeſaid, in Caſe of Sickneſs, or any other extraordinary Occaſion; any Thing in this Act to the contrary notwithſtanding.

Penalty on firing of Chimnies.

AND BE IT FURTHER ENACTED, That if any Perſon or Perſons within the City of *Philadelphia*, or Towns of *Cheſter*, *Briſtol*, *Germantown*, *Darby* or *Chicheſter*, ſhall ſet on Fire their Chimnies to cleanſe them, or ſhall ſuffer them or any of them to take Fire and blaze out at the Top, and be duly convicted thereof by one credible Witneſs, before any one Juſtice of the Peace, of the ſaid City or Counties, ſuch Perſon or Perſons ſhall forfeit and pay for every ſuch Offence *Twenty Shillings*, for the Uſe of the ſaid City or Towns reſpectively where ſuch Offence ſhall happen. And the firſt Paragraph of an Act of Aſſembly of this Province, impoſing a Fine of *Forty Shillings* upon every Perſon that ſhall fire or ſuffer their Chimnies to be fired, ſhall and is hereby declared to be repealed and made void.

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Fire-works not to be fired in Philadelphia, without the Governor's Licence.

AND WHEREAS much Miſchief may happen by ſhooting of Guns, throwing, caſting and firing of Squibs, Serpents, Rockets, and other Fire-works within the City of *Philadelphia*, if not ſpeedily prevented, BE IT THEREFORE ENACTED by the Authority aforeſaid, That if any Perſon or Perſons of what Sex, Age, Degree or Quality ſoever, from and after Publication hereof, ſhall fire any Gun or other Fire-Arms, or ſhall make or cauſe to be made, or ſell, or utter, or offer to expoſe to Sale any Squibs, Rockets or other Fire-works, or ſhall caſt, throw or fire any Squibs, Rockets or other Fire-works, within the City of *Philadelphia*, without the Governor's ſpecial Licence for the ſame, of which Licence due Notice ſhall firſt be given to the Mayor of the ſaid City, ſuch Perſon or Perſons ſo offending, and being thereof convicted before any one Juſtice of the Peace of the ſaid City, either by Confeſſion of the Party ſo offending, or by the View of any of the ſaid Juſtices, or by the Oath or Affirmation of one or more Witneſſes, ſhall for every ſuch Offence forfeit and pay the Sum of *Five Shillings*; one Half to the Uſe of the Poor of the ſaid City, and the other Half to the Uſe of him or them who ſhall proſecute and cauſe ſuch Offender to be as aforeſaid convicted: Which Forfeitures ſhall be levied by Diſtreſs and Sale of the Offenders Goods as aforeſaid; and for Want of ſuch Diſtreſs, if the Offender refuſe to pay the ſaid Forfeiture, he ſhall be committed to Priſon for every ſuch Offence the Space of two Days, without Bail or Mainprize.

Limitation of Proſecutions.

PROVIDED, That ſuch Conviction be made within ten Days after ſuch Offence committed. AND if ſuch

ſuch Offender be a Negroe or Indian Slave, he ſhall inſtead of Impriſonment, be publickly whipp'd at the Diſcretion of the Magiſtrate. Puniſhment on a Slave offending herein,

Paſſed *Auguſt 26th* 1721. Recorded A, Vol. 2. p. 219.

CCXXXII. *An* ACT *to prevent the Killing of Deer out of Seaſon, and againſt Carrying of Guns or Hunting by Perſons not qualified.* Repealed by Act of Aſſembly. 33. *Geo.* II.

Paſſed *Auguſt 26th.* 1721. Recorded A, Vol. 2, p. 220.

CCXXXIII. *An* ACT *for the well Tanning and Currying of Leather, and Regulating of Cordwainers, and other Artificers uſing and occupying Leather within this Province.*

WHEREAS very great Abuſes have been committed by Tanners, Curriers, and other Perſons uſing and working of Leather within this Government; and the Prices of Leather become very exorbitant and burthenſome to the People of this Province: To the intent therefore that a reaſonable and indifferent Courſe, for the true and well Tanning, Currying and Working of Leather, may be from henceforth eſtabliſhed and appointed, and yet the Perſons uſing the ſeveral Crafts and Myſteries aforeſaid may not be more ſtrictly bound or limited than the neceſſary Regard of the Welfare and general Commodity of all his Majeſty's Subjects within the ſaid Province requireth: BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That from and after the Twenty-fifth Day of *November* next, in this preſent Year of our Lord *One Thouſand Seven Hundred and Twenty-one*, if any Perſon or Perſons uſing or which ſhall uſe the Myſtery or Faculty of Tanning, or any Perſon or Perſons importing, or who ſhall import any Leather into this Province, ſhall at any Time or Times hereafter offer or put to Sale any kind of Leather which ſhall be inſufficiently and not thoroughly tann'd, ſo that the ſame, by the Triers of Leather, lawfully appointed by Virtue of this preſent Act, for the Time being, ſhall be found to be inſufficiently and not thoroughly tann'd, that then all and every ſuch Perſon and Perſons ſo offending, ſhall forfeit ſuch Leather as ſhall be found inſufficiently and not thoroughly tann'd, unleſs the Party importing the ſame will give Security to the Triers to be appointed by Virtue of this Act, to export the ſaid Leather (ſo imported and being inſufficiently tann'd) without Working, or Manufacturing, or cauſing the ſame to be wrought or manufactured in this Province. Preamble. Leather inſufficiently tann'd, ſhall be forfeited, or exported unwrought.

AND BE IT FURTHER ENACTED, That no Perſon or Perſons uſing the Myſtery of Tanning Leather, by him or themſelves, or any other Perſon or Perſons, from and after the Twenty-fifth Day of *November* next, in the Year of our Lord aforeſaid, ſhall, during the Time that he or they ſhall uſe the Myſtery of Tanning, occupy or uſe the Myſtery of a Shoemaker or Currier, or any other Artificer, uſing or exerciſing the Cutting or Working of Leather, upon Pain to loſe and forfeit all and every ſuch Hide and Hides, Skin and Skins ſo by them, or any of them wrought or curried during the Time that he or they ſhall uſe the Myſtery or Craft of Tanning, or the juſt Value thereof. Tanners not to occupy the Trades of Shoemaker or Currier.

AND BE IT FURTHER ENACTED, That no Perſon or Perſons whatſoever, after the Twenty fifth Day of *November* aforeſaid, ſhall buy or make any Contract for any unwrought Hides or Calf Skins in the Hair, but only ſuch Perſon or Perſons as uſeth the Trade or Myſtery of a Tanner, or ſhall tan or taw the ſame, except ſuch Perſons as ſhall purchaſe them to be tann'd for their own private Uſe; or ſhall purchaſe ſalt or raw Hides for any Perſons private Uſe, or the neceſſary Uſe of Ships or Veſſels going to Sea. None but Tanners ſhall buy Hides and Skins, except, &c.

AND BE IT FURTHER ENACTED, That it ſhall not be lawful for any Perſon or Perſons to lade, ſhip or carry in any Ship or Veſſel, entring and lading in any Port of this Province, any Leather or raw Hides with Intent to tranſport or carry the ſame into any Place or Places out of this Province, except ſuch as may be carried to the Province of *New-Jerſey*, and Counties of *New-Caſtle*, *Kent* and *Suſſex* upon *Delaware*, to be wrought up there, and except Leather imported into this Province; upon Pain of Forfeiture of the ſaid Leather or raw Hides ſo laden or tranſported, and treble the Value thereof to be forfeited by the Owner or Owners thereof: And if no Owner can be found, then the Perſon in whoſe Cuſtody or Poſſeſſion the ſame ſhall be found to incur the like Penalty of the treble Value as aforeſaid. And the Owner or Owners of the ſaid Ships or Veſſels knowing of ſuch Offence and not diſcovering the ſame, ſhall forfeit three Times the Value of the Leather and Hides ſo ſhipped or exported. And the Maſter or Mariners knowing of ſuch Offence, and not diſcovering the ſame, ſhall forfeit treble the Value as aforeſaid, or be impriſoned for any Time at the Diſcretion of the Juſtices of the Court of Quarter-Seſſions, not exceeding ſix Months, without Bail or Mainprize. No Leather or raw Hides to be ſhipp'd or exported from this Province, except, &c.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That from and after the Twenty-fifth Day of *November*, in the preſent Year of our Lord, *One Thouſand Seven Hundred and Twenty one*, no Tanner or Tanners, Perſon or Perſons whatſoever within this Province, ſhall ſell for, or take or receive of any Perſon or Perſons whomſoever within this Province, above the Rate of *Nine-Pence*, current Money of *America*, for a Pound of well tann'd Leather, and ſo proportionably for a greater Quantity, on Penalty of Forfeiting the ſaid Leather, and *One Shilling* for every Pound ſo ſold above the Rate aforeſaid. Price of well tann'd Leather, &c.

AND that no Perſon or Perſons within this Province ſhall, by any Means, occupy nor put in any made Wares

No Leather to be uſed or work'd up before it has been ſearch'd and allow'd of, &c.

Wares, any curry'd Leather, before the ſame ſhall be ſearched and allow'd by the Sealer or Searchers, according to the Directions of this Act, to be well and ſufficiently curried; and that every Shoemaker, and other Artificer and Cutter of Leather, ſhall forfeit for every Hide or Skin ſo uſed or occupied without Sealing and Searching as aforeſaid, the Sum of *Ten Shillings*, and the Value of ſuch Hide or Skin ſo uſed or occupied.

Boots, &c. to be made of Leather well tann'd, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Perſon occupying the Trade or Myſtery of a Shoemaker, ſhall make or cauſe to be made any Boots, Shoes or Slippers for Sale, but of Leather well and truly tann'd and curried, and well and ſufficiently ſewed with good Thread well twilled and made, and well waxed; nor ſhall mingle the Over-Leathers, *That is to ſay*, Part of the Over-Leather being of Neats-Leather and Part of Calves-Leather; nor ſhall put into any Boots, Shoes or Slippers for Sale any Leather made of Sheep-Skin, Bull-Hide or Horſe-Hide; or into the upper Leather of any Shoes or Slippers, or into the Inner-Part of any Boots (the Inner-Part of the Shoe excepted) any Part of any Hide from which the Sole-Leather is cut, called *The Womb's Neck, Shank, Flank, Powle* or *Cheek*, upon Pain of Forfeiture of all ſuch Shoes, Boots and Slippers, to be divided and applied in Manner directed by this Act.

Rates to be taken for Shoes.

AND that no Shoemaker, or other Perſon, ſhall take or receive above the Rate of *Six Shillings* and *Six Pence*, for a Pair of good well-made Men's Shoes, and *Five Shillings* for a Pair of good, plain well-made Woman's Shoes; and ſo proportionably for all ſmaller Shoes for any Perſon above four Years of Age, according to their ſeveral Sizes, to be ſet and rated by the Mayor and Aldermen of the City of *Philadelphia*, in their Quarterly Court of Record, and by the Juſtices of the reſpective Counties within this Province, in their reſpective General Quarter Seſſions of the Peace on Pain of Forfeiting all ſuch Shoes as ſhall be ſold above the Rates in this Act directed and limited, and above the ſeveral Rates that ſhall from time to time be ſet and rated by the aforeſaid Mayor and Aldermen, and the ſaid Juſtices in their reſpective Courts of Quarter Seſſions in Manner before mentioned.

Juſtices, ſhall once in two Years or oftner, chooſe Sealers and Searchers of Leather

AND BE IT FURTHER ENACTED, That the Mayor and Aldermen of the City of *Philadelphia* for the Time being, and the Juſtices of the ſeveral Courts of Quarter-Seſſions of the Peace for the Counties of *Philadelphia*, *Cheſter*, and *Bucks*, upon the Penalty of *Forty Pounds*, to be recovered and imployed as other Forfeitures in this Act mentioned, ſhall at their next reſpective Courts of Quarter-Seſſions, to be held after Publication of this Act, and afterwards once in every two Years, or oftner if need be, nominate and appoint one or more honeſt and skilful Perſon or Perſons of their reſpective Cities and Counties, who ſhall be Sealers, and keep a Seal, to be prepared by the Directions of the ſaid juſtices, for the Sealing of Leather: Which Sealers and Searchers ſhall alſo be ſworn or affirmed before the Mayor and Aldermen aforeſaid, and before the Juſtices of the ſaid General Quarter Seſſions of the Peace in their reſpective Cities and Counties, to do their Office of Sealers and Searchers of Leather truly: Which ſaid Sealers and Searchers ſhall view and ſearch all Leather, and finding it ſufficiently and thoroughly tann'd and tried, ſhall ſeal the ſame with the ſaid Seal; for which the ſaid Sealer and Searcher ſhall receive of the Owner or Owners of ſuch Leather, for every Dicker of Hides ſo ſearched and ſeal'd *One Shilling*, and for every ſingle Half-Dicker *Eight Pence*, and for any leſs Number than half a Dicker *Two Pence per* Hide; and *Four Pence* for every Dozen of Calf-Skins by him ſo ſealed. And that no Sealer and Searcher ſhall continue above two Years in his Office aforeſaid at one Time. And that the ſaid Searchers and Sealers ſhall, and by this Act are impowered, to enter into any Tan-Yard, Shop, or other Houſe or Place whatſoever, and ſearch for Leather tanned or occupied, and for Shoes, Boots, Slippers, Saddles, and all other Wares made for Sale, contrary to the Directions and true Intent and Meaning of this Act; and in Caſe of Oppoſition or Refuſal, to break open Doors and other Obſtacles, and the ſame Leather or Wares to ſeize; and after Seizure to bring the ſame to the Mayor of the City of *Philadelphia*, and to any of the Juſtices of the Counties aforeſaid reſpectively, who ſhall forthwith appoint three honeſt and skilful Perſons to be Triers, who ſhall openly, in ſome Market-Place or publick Place, try whether the ſame Leather, Boots, Shoes or other Wares ſo ſeized, be ſufficient and according to the true Intent and Meaning of this Act: Which ſaid Trial ſhall be made upon the Oath or Affirmation of the Triers; and if the ſame be found inſufficient, then the ſaid Leather, Shoes, Boots, Slippers, and other Wares, ſhall be forfeited and appraiſed, and diſpoſed of as the ſaid Mayor and Aldermen of the City of *Philadelphia*, and Juſtices at their next reſpective Courts of Quarter Seſſions in their ſeveral Counties ſhall direct. And no Perſon or Perſons ſhall buy any forfeited Wares to ſell again, on Pain of Forfeiting three Times the Value thereof. And every Perſon or Perſons reſiſting the ſaid Searcher or Searchers in any Part of their Duty injoined them by this Act, ſhall forfeit the Sum of *Twenty Pounds*, to be recovered and applied in the Manner and to the Uſes in this Act directed.

The Office Dury and Fees of Sealers and Searchers of Leather.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That any Perſon or Perſons, or Officer ſued for any thing done by Virtue or in Purſuance of this Act may plead the general Iſſue, and give this Act and other ſpecial Matter in Evidence: And if the Proſecutor ſhall be caſt or become Nonſuit, he ſhall pay treble Damages to ſuch Perſon or Officer, to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information.

Leather, when ſeal'd, to be ſufficiently curry'd in ſix Days in Summer, and twelve in Winter.

AND BE IT FURTHER ENACTED, That no Currier ſhall refuſe or neglect well and ſufficiently to curry Leather within ſix Days in Summer, and twelve Days in Winter, after he ſhall or may take it in Hand; nor ſhall curry any Hide or Skin nor ſeal'd by the Officer appointed by this Act, on Pain to forfeit, for every Hide or Peace of Leather not curried accordingly, *Fifteen Shillings*. And that the ſaid Searchers and Sealers who ſhall travel from the Place of his or their Habitation above one Mile to ſearch or ſeal any Leather, ſhall be allowed and paid by the Tanner or Owner of ſuch Leather *Three Pence* for each Mile. And

that

that the ſaid Sealers and Searchers, to be appointed by Virtue of this Act, ſhall, upon Requeſt made unto them, forthwith ſearch and ſeal all ſuch Leather as ſhall be ſufficiently tann'd which ſhall be brought unto them reſpectively, or which ſhall be within the City of *Philadelphia*; and ſhall, within one Day after Requeſt made unto them, go to any Tan Yard, or other Place, to ſearch and ſeal Leather ſufficiently tann'd, on Pain to forfeit *Forty Shillings*, for each wilful Neglect: Which Penalty, with all others mentioned in this Act, not otherwiſe appropriated, ſhall be, one Moiety to the Governor for the Support of Government, and the other Moiety to the Perſon or Perſons that will inform or ſue for the ſame. And that the Recovery of all Forfeitures and Penalties under *Forty Shillings* ſhall be heard and determined by the Mayor or any one or more of the Aldermen of the City of *Philadelphia*, and by one or more of the Juſtices of the reſpective Counties out of Seſſions. And that all Forfeitures and Penalties above the Value of *Forty Shillings* ſhall be recovered in any Court of Record in this Province, by Bill, Plaint or Information, wherein no Eſſoin, Protection, or Wager of Law, nor any more than one Imparlance ſhall be allowed.

Sealers and Searchers Allowance for travelling

Forfeitures how to be recovered.

PROVIDED NEVERTHELESS, That this Act, or any thing therein contained, ſhall not extend to the Prohibiting the Exportation of Boots, Shoes, Slippers, Saddles, and other Wares, manufactured and made of Leather within this Province.

No Prohibition on Boots, Shoes &c. being exported.

PROVIDED ALSO, That it ſhall and may be lawful for any Perſon or Perſons to export tann'd Leather out of this Province when the Price does not exceed *Eight Pence per Pound*, a Permit being firſt had and obtained, for which there ſhall be paid *One Shilling*, and no more, by the Exporter or Owner of ſuch Leather, from the Mayor and two of the Aldermen of the City of *Philadelphia*, for the ſaid City and from three or more Juſtices of the Peace for the reſpective Counties of *Philadelphia*, *Cheſter* and *Bucks*, certifying the common Price of well-tann'd Leather not to be nor to have been above *Eight Pence*, for at leaſt one Month before the Date of ſuch Permit; which Permit ſhall be granted for no longer Time than the Space of one Month, and if the ſame be granted for any longer Time, or in other Manner than in this Act is directed and limited, the ſame ſhall be void, and the Parties concerned in the Exportation of ſuch Leather, ſhall be liable to all the Penalties of this Act as if no ſuch Licence or Permit had ever been granted.

Tann'd Leather may be exported when it is not above Eight Pence per lb.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That if any Butcher, or other Perſon ſhall gaſh, ſlaſh or cut any Hide of any Ox, Bull, Steer, Cow, or Calf-skin, in fleaing thereof, or otherwiſe, ſo as the ſame ſhall be impaired or hurt, and ſhall expoſe or offer the ſame to Sale, ſuch Offender ſhall forfeit *Two Shillings* for every ſuch Hide of Ox, Bull, Steer or Cow, and *Sixpence* for every ſuch Calf-skin.

Forfeiture on expoſing to Sale any Hides or Calf Skins impair'd.

AND if any Perſon ſhall offer or expoſe to Sale any puttified Hide or Skin, ſuch Perſon ſhall forfeit for every ſuch Hide ſo offered to Sale *Three Shillings*, and for every ſuch Skin *Ninepence*; one Half of which Forfeitures ſhall be paid to the Tanner or Perſon purchaſing ſuch Hide, and the other Half to the Overſeers of the Poor of the City or County where ſuch Hide ſhall be cut, ſlaſh'd, gaſh'd or expoſed to Sale.

Forfeiture on offering puttified Hides or Skins to Sale

Paſſed *Auguſt* 26th, 1721. Recorded A, Vol. 2. p. 222.

CCXXXIV. *An* ACT *for impoſing a Duty on Perſons convicted of heinous Crimes, and imported into this Province as Servants, or otherwiſe.* Repeald by an Act paſſed 3 *Geo.* II.

VIII. Geo. I. A. D. 1721.

Paſſed *May* 5*th*, 1722. Recorded A, Vol. 2. p. 226.

CCXXXV. *An* ACT *for laying a Duty on Wine, Rum, Brandy and Spirits, Melaſſes, Cyder, Hops and Flax imported, landed or brought into this Province.* Expired.

Paſſed *May* 12*th*, 1722. Recorded A. Vol. 2. p. 284

CCXXXVI. *An* ACT *for laying a Duty on Negroes imported into this Province.* Expired.

Paſſed *May* 12*th*. 1722. Recorded A, Vol. 2. p. 287.

CCXXXVII. *An* ACT *laying an Exciſe or Duty on all Wine, Rum, and other Spirits, retailed in this Province.* Expired.

Paſſed *May* 12*th*, 1722. Recorded A, Vol. 2. p. 289.

CCXXXVIII. *An* ACT *to prevent the Exportation of Flour not merchantable.* Supplied.

Paſſed *May* 12th, 1722. Recorded A, Vol. 2. p. 293.

CCXXXIX. *An* ACT *for Encouraging the Making of good Beer, and for the Conſumption of Grain in this Province.*

WHEREAS it is found by Experience, that the Uſing of Melaſſes and other Materials hereaftermentioned, in Brewing Ale and Beer, doth very much hinder the Conſumption of Malt; and ſo

Penalty on Brewers using Mollaſſes &c. in Beer; or taking it into their Brew-houſes

the Raiſing of Barley is thereby diſcouraged: Therefore may it pleaſe the Governor that it may be enacted, AND BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That if any common Brewer or Retailer of Beer or Ale, ſhall, after the firſt Day of *June* next, make Uſe of any Melaſſes, coarſe Sugar or Compoſition or Extract of Sugar, Honey, foreign Grains, Guinea Pepper, or any Liquor or Syrup, boil'd up to the Conſiſtency of Melaſſes, or any unwholeſome Materials or Ingredients whatſoever, in the Brewing, Making or Working of any Beer or Ale: Or if any Brewer ſhall receive and take into his Brew-Houſe any Melaſſes, coarſe Sugar, Honey or Compoſition or Extracts of Sugar; every ſuch Brewer and Retailer ſhall forfeit and loſe for every ſuch Offence reſpectively the Sum of *Twenty Pounds*: And every Servant of ſuch Brewer, and every other Perſon who ſhall be Aiding and Aſſiſting in the Uſing any Melaſſes, Sugar, Honey, or any other of the ſaid Materials or Ingredients, in the Brewing or Working of ſuch Ale or Beer, or in Carrying or Conveying the ſame into the Brew Houſe belonging to ſuch Brewer, ſhall alſo forfeit and loſe, for every ſuch Offence, the Sum of *Twenty Pounds*; and in Default of Payment thereof ſhall ſuffer three Months Impriſonment.

Alſo on their Servants, or others who aid or aſſiſt therein.

None to keep Ale-houſes, &c. except thoſe that the Juſtices, in Seſſions, approve of.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Perſon or Perſons whatſoever, after the ſaid firſt Day of *June* next, ſhall be admitted or ſuffered to keep any common Ale-Houſe, Inn or Tippling-Houſe, but ſuch as the Juſtices of the Peace of the reſpective Counties of this Province and City of *Philadelphia* for the Time being, or the major Part of them, in the open Seſſions of the Peace in the ſame Counties and City reſpectively, ſhall, in their Diſcretion judge fit, as well by their Character of honeſt, civil and ſober Behaviour, as the commodious Situation and Conveniency of their Houſes for ſuch Purpoſes.

Perſons approved of, to give Bond to the Governor.

Fees for Licences.

BUT that none be ſo admitted or licenſed before they be bound, with one or more ſufficient Sureties, by Recognizance to the Governor for the time being, in *Twenty Pounds* Penalty, with Condition, as well againſt Uſing any unlawful Games, as for the Uſing and Maintaining of good Order and Rule to be had and kept within the ſame: And alſo that they will not directly or indirectly ſell or utter, in or about their Houſes or elſewhere, any Wine, Brandy, Rum, or other diſtilled Liquors, mix'd or unmix'd: And that the principal Party which ſhall be ſo bound ſhall pay to the Clerk of the Court, for all Fees to him relating to the ſaid Licence, *Five Shillings*; and to the Juſtices *Four Shillings*, for every ſuch Licence or Allowance to keep ſuch Inn or Ale-houſe, and no more.

Juſtices have Power to ſuppreſs ſelling Ale, Beer, &c. and cauſe Diſorders to be puniſhed.

AND BE IT FURTHER ENACTED, That the ſaid Juſtices of Peace, within the ſaid ſeveral Counties and City reſpectively, or a Quorum of them, ſhall have full Power within the Limits of their Authority, to remove, diſcharge and ſuppreſs common Selling of Ale, Beer and Wine in Taverns, Ale-houſes, Inns and Tipling Houſes, and to cauſe all Diſorders in ſuch Houſes to be puniſhed by the Direction of this Act, and hear and determine the ſame by all ſuch Ways and Means as by Law is uſual in ſuch Caſes.

Innkeepers, who brew, not to put Mollaſſes, &c. in their Beer.

AND where the Keeper of any Inns or Ale-houſes brew their own Beer or Ale, a Clauſe ſhall be added to the Condition of their Recognizance, That they will not make Uſe of any Melaſſes, or other Materials or Ingredients hereby forbidden to be uſed, in Brewing, Making or Working any of their Beer or Ale.

Brewers ſhall become bound to obſerve what is required herein.

AND that from and after the ſaid firſt Day of *June* next, all common Brewers ſhall, in the open Seſſions of the Peace, within the City or County where they reſpectively follow their Trades, become bound to the Governor for the Time being, with one or more ſufficient Sureties, by Recognizance, in *One Hundred Pounds* Penalties, with Condition, That they will well and faithfully obſerve and obey all that is required of them by this Act: For every which Recognizances the Party ſhall pay *Two Shillings and Six Pence*, and no more.

Recognizances to be entred of Record, on Penalty, &c.

AND the ſaid Juſtices ſhall cauſe all the ſaid Recognizances, and alſo the other Recognizances to be given by the Direction of this Act, to be entred of Record in the reſpective Courts where the ſame are ſo taken as aforeſaid, there ſafely to be kept and remain, And if the Juſtices or their Clerks fail therein, he or they ſo offending ſhall forfeit and pay for every Recognizance taken and not entred of Record, as this Act requires, the Sum of *Five Pounds*; any other Act or Law of this Province to the Contrary hereof in anywiſe notwithſtanding.

Juſtices may recommend fit Perſons to be licenſed to keep Taverns; ſuch Perſons becoming bound, &c.

PROVIDED ALWAYS, That nothing herein contained ſhall debar or hinder the Juſtices of the ſaid City and Counties to recommend ſuch as live in fit Places, and as they ſhall deem fit Perſons to keep Taverns for ſelling Wines, Brandy, Rum, and other Spirits, by retail; but that all ſuch Perſons ſo recommended may be licenſed to keep ſuch Taverns as heretofore hath been uſed, upon their paying the Fees formerly allowed for ſuch Recommendations and Licences, and becoming bound with one or more ſufficient Sureties, by Recognizances to the Governor for the Time being, in *One Hundred Pounds*, with Condition, as well againſt Uſing of unlawful Games, as for the Uſing and Maintaining of good Order and Rule to be had and kept within the ſame.

The Officer appointed to put this Act in Execution, and recover the Forfeitures.

AND BE IT FURTHER ENACTED, That *Charles Read* of *Philadelphia*, Merchant, ſhall be and is hereby appointed the Officer to put this Act in Execution, and to ſue for and recover, the Penalties or Forfeitures ariſing for not obſerving of this Act: Which Forfeitures, when recovered, ſhall be equally divided between the Governor and the ſaid Officer.

AND as the true Deſign of this Act is, (amongſt other Things,) to encourage the Raiſing of Wheat and Barley for the Brewing Trade, ſo it is expected that Brewers may take ſpecial Care to bring their Beer and Ale to the Goodneſs and Perfection which the ſame was formerly brought to; that ſo the Reputation which then was obtained (and is ſince loſt) may be retrived BE IT FURTHER ENACTED by the Authority aforeſaid,

aforeſaid, That the Juſtices of the Peace of the reſpective Counties, and the Mayor, Recorder and Aldermen of the City of *Philadelphia*, when they ſet Prices upon Beer and Ale, purſuant to a Law of this Province, ſhall allow higher Prices than common to be taken for ſuch Beer and Ale as by the Judgment of Perſons skill'd therein ſhall exceed in Quality and Goodneſs; any Law or Ordinance to the Contrary notwithſtanding. Higher Prices may be allowed by the Juſtices for Beer and Ale, according to the Goodneſs.

BUT to prevent the ill Deſigns of Brewers, Retailers, Victualers and Butchers, who combine to advance the Prices of the Grain and Proviſions they reſpectively buy, beyond a due Proportion to the Rates they give, BE IT ENACTED by the Authority aforeſaid, That all the Laws and Statutes of that Part of *Great Britain* called *England*, ſhall be put in Execution againſt all ſuch Combinations and evil Practices; ſo that ſuch Offenders ſhall be brought to the like Punishments, and incur the ſame Penalties as thoſe Laws and Statutes direct and appoint for Offenders in like Caſes. Statutes of *Great Britain* againſt Perſons combining to advance the Prices of Grain to be put in Execution here.

Paſſed *May* 12*th*. 2722. Recorded A, Vol. 2, p. 294.

CCXL. *A Supplementary* ACT *to the Act for the more effectual Raiſing of County Rates and Levies.* Repealed.

Paſſed *May* 12*th*. 1722. Recorded A, Vol. 2 p. 296.

CCXLI. *An* ACT *for eſtabliſhing Courts of Judicature in this Province.*

WHEREAS the late King *CHARLES* the Second, by his Royal Charter and Grant to *William Penn*, Eſq; of that Tract of Land called *Pennſylvania*, and for erecting the ſame into a Province, did, for himſelf, his Heirs and Succeſſors, grant free, full and abſolute Power to the ſaid *William Penn*, and his Heirs, and to his and their Deputies and Lieutenants, for the good and happy Government of the ſaid Country, by and with the Advice, Aſſent and Approbation of the Freemen of the ſaid Country, or of the greater Part of them, or of their Delegates or Deputies, in Aſſembly, when and as often as Need ſhould require, to ordain, make and enact any Laws whatſoever, for the publick State, Peace and Safety of the ſaid Country, or unto the private Utility of particular Perſons, unto their beſt Diſcretion: *And likewiſe*, to do all and every Thing and Things which unto the compleat Eſtabliſhment of Juſtice, unto Courts and Tribunals, Forms of Judicature and Manners of Proceedings do belong. And, by Judges, by the ſaid *William Penn*, his Heirs, their Deputies and Lieutenants, appointed to award Proceſs, hold Pleas, and determine in all the ſaid Courts and Tribunals all Actions, Suits and Cauſes whatſoever, as well criminal as civil, perſonal, real and mixed; *Provided* the ſaid Laws ſo made and publiſhed be conſonant to Reaſon, and not repugnant or contrary, but as near as convenient may be agreeable to the Laws, Statutes and Rights of the Kingdom of *England*; ſaving and reſerving to the ſaid King *Charles*, his Heirs and Succeſſors, the Receiving, Hearing and Determining of the Appeal and Appeals of all or any Perſon or Perſons, touching any Judgment, to be there made or given, Preamble.

AND WHEREAS, by Virtue and in Purſuance of the ſaid Grant, divers Acts and Ordinances have been made from time to time for the holding of Courts and the Adminiſtration of Juſtice within this Province; which by the Increaſe of Inhabitants and Change of Circumſtances of the Country, ſeem neceſſary to be altered and amended, BE IT THEREFORE ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That there ſhall be a Court ſtiled, *The General Quarter-Seſſions of the Peace and Goal-Delivery*, holden and kept four times in every Year in each County of this Province, *viz.* At *Philadelphia*, for the County of *Philadelphia*, on the firſt ſecond Day of the Week called *Monday*, in the Months called *March*, *June*, *September* and *December*: At *Briſtol*, for the County of *Bucks*, on the eleventh Day following (incluſive) in every of the ſame Months: And at *Cheſter*, for the County of *Cheſter*, on the laſt third Day of the Week called *Tueſday* in the Months called *May*, *Auguſt* *November* and *February*. Court of Quarter-Seſſions to be held in each County four times a Year.

AND that there ſhall be a competent Number of Juſtices in every of the ſaid Counties nominated and authorized by the Governor or Lieutenant Governor for the time being, by Commiſſion, under the broad Seal of this Province: Which ſaid Juſtices, or any three of them, ſhall and may hold the ſaid General Seſſions of the Peace and Goal Delivery according to Law, and as fully and effectually as any Juſtice of the Peace, Juſtices of the Aſſize, Juſtices of Oyer and Terminer, or of Goal-delivery may or can do. The Governor to commiſſionate Juſtices; who are to hold the ſaid Court.

AND BE IT FURTHER ENACTED, That the ſaid Juſtices of the Peace, or any three of them may, purſuant to their ſaid Commiſſions, hold ſpecial and private Seſſions when and as often as Occaſion ſhall require; and that the ſaid Juſtices, and every of them, ſhall have full Power and Authority, in or out of Seſſions, to take all Manner of Recognizances and Obligations, as any Juſtices of the Peace of *Great-Britain* may, can or uſually do: All which ſaid Recognizances and Obligations ſhall be made to the King and his Succeſſors. And all Recognizances for the Peace, Behaviour, or for Appearance, which ſhall be taken by any of the ſaid Juſtices out of Seſſions, ſhall be certified into their ſaid General Seſſions of the Peace, to be holden next after the taking thereof: And every Recognizance taken before any of them, for Suſpicions of any Manner of Felony, or other Crime not tryable in the ſaid Court of Quarter-Seſſions of the Peace and Goal-Delivery, ſhall be certified before the ſaid Juſtices of the Supream-Court of Oyer and Terminer, at their next ſucceeding Court, to be holden next after the taking thereof, without Concealment, Detaining or Imbezzling of the ſame. But in caſe any Perſon or Perſons ſhall forfeit his or their Recognizances of the Peace, Behaviour or Appearance, for any Cauſe whatſoever, then And private Seſſions; and have Power to take Recognizances out of Seſſions; which ſhall be certified into the next Quarter-Seſſions.

then the ſaid Recognizance ſo forfeited, with the Record of the Default or Cauſe of Forfeiture, ſhall be ſent and certified without Delay, by the Juſtices of the Peace, into the ſaid Supream-Court, as the Caſe may require, that thence Proceſs may iſſue againſt the ſaid Parties, according to Law. All which Forfeitures ſhall be levied by the proper Officers, and go to the Governor for Support of Government.

All Fines to be afferred in the Seſſions, and yearly eſtreated in the Supream Court.

AND BE IT FURTHER ENACTED, That all Fines and Amerciaments which ſhall be laid before the Juſtices of the ſaid Courts of General Quarter-Seſſions of the Peace and Goal-Delivery, ſhall be taxed, afferrd and ſet duly and truly, according to the Quality of the Offence, without Partiality or Affection, and ſhall be yearly eſtreated by the Clerks of the ſaid Courts reſpectively into the ſaid Supream Court, to the Intent that Proceſs may be awarded to the Sheriff of every County, as the Caſe may require, for levying ſuch of their Fines and Amerciaments as ſhall be unpaid, to the Uſes for which they are or ſhall be appropriated.

Quarter-Seſſions to continue three Days in Philadelphia, and two Days in each of the other Counties.

PROVIDED ALWAYS, That the ſaid Courts of the General Quarter-Seſſions of the Peace may be kept and continued for the Space of three Days in the County of *Philadelphia*, at any of the Times herein before appointed to hold and keep the ſame Courts and Seſſions there; and for the Space of two Days in either of the ſaid Counties of *Bucks* and *Cheſter* reſpectively, at any of the ſaid Times herein before appointed to hold and keep the ſaid Courts and Seſſions there, in Manner aforeſaid.

This Act nor to leſſen the Powers of the Corporation.

PROVIDED ALSO, That nothing herein contained ſhall deprive or abridge the Mayor, Recorder and Aldermen of the City of *Philadelphia* of any Powers, Privileges, Juriſdictions or Franchiſes granted them by Charter or the Laws of this Province.

Writs of *Capias Subpœnas*, &c. granted in one County to operate in another.

AND to the End that Perſons indicted or out-lawed for Felonies, or other Offences, in one County or Town corporate, who dwell, remove or be received into another County or Town corporate, may be brought to Juſtice, BE IT FURTHER ENACTED, That the ſaid Juſtices or any of them, ſhall and may direct their Writs or Precepts to all or any the Sheriffs or other Officers of the ſaid Counties or Towns corporate within this Province, where Need ſhall be, to take ſuch Perſons indicted or outlawed. And that it ſhall and may be lawful to and for the ſaid Juſtices, and every of them, to iſſue forth *Subpœna*'s, and other Warrants, under their reſpective Hands and Seal of the County, into any County or Place of this Province, for ſummoning or bringing any Perſon or Perſons to give Evidence in and upon any Matter or Cauſe whatſoever, now or hereafter examinable or in anyways triable by or before them, or any of them, under ſuch Pains and Penalties as *Subpœna*'s or Warrants of that Kind uſually are or ought by Law to be granted or awarded.

Perſons, aggrieved, &c. may have their Writs of Error returnable to the Supream Court.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon or Perſons ſhall find him or themſelves aggrieved with the Judgment of any of the ſaid Courts of General Quarter Seſſions of the Peace and Goal-Delivery, or any other Courts of Record within this Province, it ſhall and may be lawful to and for the Party or Parties ſo aggrieved to have his or their Writ or Writs of Error; which ſhall be granted them of Courſe, in Manner as other Writs of Error are to be granted and made returnable to the ſaid Supream Court of this Province.

Of Proceedings at the City Seſſions only the Tenor &c. to be certify'd into the Supream-Court.

PROVIDED ALWAYS, That when any Writ of Error ſhall be granted upon any Judgment given or to be given for the ſaid City of *Philadelphia*, the Mayor, Recorder and Aldermen of the ſaid City of *Philadelphia*, and their Succeſſors, or any of them, ſhall not be compelled upon any of the ſaid Writs, or any other Writ or Writs directed to them, or any of them, to remove, ſend or certify into the ſaid Supream Court, or elſewhere, any of the Indictments or Preſentments taken or to be taken before them, or the Record of the Judgments and Proceedings upon any ſuch Indictments or Preſentments; but only the Tenors or Tranſcripts of the ſaid Records under their common Seal. And after ſuch Judgments are revers'd or affirm'd, or Cauſes lawfully removed from the ſaid City-Courts are tried in the ſaid Supream Courts, it ſhall and may be lawful for the Mayor, Recorder and Aldermen, and their Succeſſors, to proceed to Execution or otherwiſe, as ſhall appertain according to Law.

The Supream-Court of Pennſylvania to be held at Philadelphia

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That there ſhall be holden and kept at *Philadelphia* a Court of Record twice in every Year, *That is to ſay*, On the Twenty-fourth Day of *September*, and the Tenth Day of *April*, if the ſame Days, or either, do not happen to be the firſt Day of the Week; and in ſuch caſe the ſaid Court ſhall be held on the next Day following: Which ſaid Court ſhall be called and ſtiled *The Supream Court of* Pennſylvania. And that there ſhall be three Perſons of known Integrity and Ability, commiſſionated by the Governor or his Lieutenant for the Time being, by ſeveral diſtinct Patents or Commiſſions under the Great Seal of this Province, to be Judges of the ſaid Court; one of whom ſhall be diſtinguiſhed in his Commiſſion by the Name of *Chief Juſtice*. And every of the ſaid Juſtices ſhall have full Power and Authority, by Virtue of this Act, when and as often as there may be Occaſion, to iſſue forth Writs of *Habeas Corpus*, *Certiorari* and *Writs of Error*, and all Remedial and other Writs and Proceſs, returnable to the ſaid Court, and grantable by the ſaid Judges by Virtue of their Office, in Purſuance of the Powers and Authorities hereby given them.

Juſtices to be commiſſionated. Who ſhall iſſue Remedial Writs, &c

Iſſues joined in the ſaid Court ſhall be tried in the proper County; and Judges to go the Circuit twice every Year.

PROVIDED ALWAYS, That upon any Iſſue joined in the ſaid Supream-Court, ſuch Iſſue ſhall be tried in the County from whence the Cauſe was removed, before the Judges aforeſaid, or any two of them, who are hereby impowered and required, if Occaſion require, to go the Circuit twice in every Year into the reſpective Counties of *Cheſter* and *Bucks*, to try ſuch Iſſues in Fact as ſhall be depending in the ſaid Supream-Court, and removed out of either of the Counties aforeſaid, *That is to ſay*, in the County of *Bucks* on the Fourteenth Day of *April*, and the Twenty-eighth Day of *September*; and in the County

County of *Chester*, on the Eighteenth Day of *April*, and the Second Day of *October*, in every Year: Where and where they may try all Issues, join'd or to be join'd, in the same Supream-Court, and to do generally all these Things that shall be necessary for the Trial of any Issue, as fully as Justices of *Nisi Prius* in *England* may or can do.

Who are to hear all Causes cognizable in the said Court, and all Causes removed thither.

AND that the said Judges, or any two of them, shall have full Power to hold the said Court, and therein to hear and determine all Causes, Matters and Things cognizable in the said Courts; and also to hear and determine all and all Manner of Pleas, Plaints and Causes which shall be removed or brought there from the respective General Quarter-Sessions of the Peace and Courts of Common-Pleas, to be held for the respective Counties of *Philadelphia*, *Chester* and *Bucks*, as also for the City of *Philadelphia*, or from any other Court of this Province, by Virtue of any of the said Writs: And to examine and correct all and all Manner of Errors of the Justices and Magistrates of this Province in their Judgments, Process and Proceedings in the said Courts, as well in all Pleas of the Crown, as in all Pleas real, personal and mix'd; and thereupon to reverse or affirm the said Judgments as the Law doth or shall direct: And also to examine, correct and punish the Contempts, Omissions and Neglects, Favours, Corruptions and Defaults of all or any of the Justices of the Peace, Sheriffs, Coroners, Clerks and other Officers within the said respective Counties.

As also, to correct the Errors of the Justices, &c. And punish the Officers for Defaults, &c.

And award Process to levy Fines.

AND ALSO, shall award Process for Levying, as well of such Fines, Forfeitures and Amerciaments as shall be estreated into the said Supream-Court, as of the Fines, Forfeitures and Amerciaments which shall be lost, tax'd and set there, and not paid to the Uses they are or shall be appropriated.

And generally minister Justice as in the King's Courts in *Britain*

AND generally shall minister Justice to all Persons and exercise the Jurisdictions and Powers hereby granted concerning all and singular the Premises according to Law, as fully and amply to all Intents and Purposes whatsoever as the Justices of the Court of King's Bench, Common-Pleas and Exchequer at *Westminster*, or any of them, may or can do.

Saving the Right of Appeal to *Britain*.

SAVING to all and every Person and Persons, his her or their Heirs, Executors and Administrators, their Right of Appeal from the final Sentence, Judgment or Decree of any Court within this Province, to His Majesty in Council, or to such Court or Courts, Judge or Judges, as by our Sovereign Lord the King, his Heirs or Successors shall be appointed in *Britain*, to receive, hear and judge of Appeals from His Majesty's Plantations.

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The Appellant shall give Bond in 300l. &c.

PROVIDED the Person Appealing shall, upon Entering his Appeal in the Court where the Sentence, Judgment or Decree shall be given in this Province, pay all the Costs before that Time expended in the Prosecution, or Defending the said Suit: And shall further enter into Bond, with two good and sufficient Securities, in the Sum of *Three Hundred Pounds*, to the Defendant in the Appeal, conditioned to prosecute the said Appeal with Effect, within the Space of eighteen Months after the Entry of such Appeal, and to satisfy the Judgment of the Court from which he appeals: And further, to pay all such Costs and Damages as shall be adjudged to him to pay, in Case a Sentence, Judgment or Decreee pass against the said Appellant, or in case he, she or they fail to prosecute their Appeal with Effect.

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Governor commissionates the Prothonotary of the Supream Court,

AND that there shall be a fit Person nominated by the Judges, and commissionated by the Governor, to be Prothonotary or Clerk of the said Supream-Court, who shall keep and duly attend his Office at some convenient Place in the City of *Philadelphia*, and may be suspended, punished or amoved by the said Court for Misdemeanors in in his Office.

How Writs shall be granted and bear Stile,

AND BE IT FURTHER ENACTED, That all the said Writs shall be granted of course, and made in the Name and Stile of the King, his Heirs and Successors, and shall bear Test in the Name of the chief Justice for the time being: But if he be Plaintiff or Defendant, in the Name of one of the other Justices, and shall be sealed with the judicial Seal of the said Court, and made returnable to the next Court after the Date of such Writs.

No Provincial Judge to sit in the inferior Courts

PROVIDED ALWAYS, That none of the Judges of the said Supream or Provincial-Court shall sit judicially in any of the said Courts of Common-Pleas, Quarter-Sessions, or any other inferior Court in this Province.

The said Judges to deliver the Goals of Prisoners for Treasons, Murthers,

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Judges of the Supream Court shall have Power, and are hereby authorized and impowered from time to time to deliver the Goals of all Persons which now are or hereafter shall be committed for Treasons, Murthers, and such other Crimes as (by the Laws of this Province) now are or hereafter shall be made Capital or Felonies of Death as aforesaid: And for that End from time to time to issue forth such necessary Precepts and Process, and force Obedience thereto as Justices of Assize, Justices of Oyer and Terminer and of Goal-Delivery may or can do in the Realm of *Great Britain*.

Felonies committed in the Out-Parts of the Province, to be tried in *Philadelphia*.

AND ALSO, That all Manner of Offences already made and declared, or hereafter to be made or declared to be Capital or Felonies of Death by any Law or Act of Assembly of this Province, and done, perpetrated or committed, or hereafter to be done perpetrated or committed by any Person or Persons within the Bounds and Limits of the same Province, and without the certain and known Bounds and Limits of any of the Counties now or hereafter erected in the said Province, shall be from henceforth enquired of, heard and determined before the said Judges, by good and lawful Men of the City and County of *Philadelphia*, in like Manner and Form to all Intents and Purposes as if the said Offences and Felonies of Death had been done, perpetrated and committed within the said City or County of *Philadelphia*.

Fees to be double in the said Court to what they are in the Quarter-Sessions,

PROVIDED ALWAYS, That the Fees due to the Judges and Officers of the said Court for Hearing and Determining any of the said capital Offences for any thing done there, shall be double the Fees usually taken in the General Quarter-Sessions held in any of the said Counties in this Province; any thing herein, or in any other Law, to the Contrary notwithstanding.

County Court to be held four times a Year

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That a competent Number of Persons shall be commissionated by the Governor or his Lieutenant, under the Broad Seal of this Province, who shall hold and keep a Court of Record in every County, which shall be stiled and called *The County Court of Common-Pleas*, and shall be holden four Times in every Year, at the Places where the General Quarter-Sessions shall be respectively kept, *viz.* at *Philadelphia*, for the County and City of *Philadelphia*, on the Day called the first *Wednesday* after the Day appointed for the Quarter-Sessions to begin on there, in the Months called *March*, *June*, *September* and *December*: At *Bristol*, for the County of *Bucks*, on the eleventh Day following, inclusive: And at *Chester*, for the County of *Chester*, on the Day called the last *Tuesday* in the Months called *May*, *August*, *November* and *February*. Which said Justices, or any three of them (according to the Tenor and Direction of their Commissions) shall hold Pleas of Assizes, *Scire Facias*, Replevins, and hear and determine all and all Manner of Pleas, Actions, Suits and Cases, civil, personal, real and mixed, according to the Laws and Constitutions of this Province.

Justices of the said Court to grant Replevins, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That every of the said Justices shall and are hereby impowered to grant, under the Seal of the respective Counties, Replevins, Writs of Partition, Writs of View, and all other Writs and Process, upon the said Pleas and Actions cognizable in the said respective Courts, as Occasion may require.

And issue *Subpoena*'s for Evidence into any County.

AND BE IT FURTHER ENACTED, That the said Justices of the said respective Courts shall and are hereby impowered to issue forth *Subpoena*'s under their respective Hands and Seal of the Counties, into any County or Place of this Province, for Summoning or bringing any Person or Persons to give Evidence in or upon the Trial of any Matter or Cause whatsoever depending before them or any of them, under such Pains and Penalties as by the Rules of the common Law and Course and Practice of the King's Courts at *Westminster* are usually appointed.

If upon Judgment the Party is not to be found, or hath not Lands, &c. in that County, an *alias* Execution may be granted, directed to the Sheriff of another County.

AND BE IT FURTHER ENACTED, That upon any Judgment obtained in any of the said Courts of this Province, and Execution returned by the Sheriff or Coroner of the proper County where such Judgment was obtained, that the Party is not to be found or hath no Lands or Tenements, Goods or Chattles in that County, and thereupon it is testified, that the Party sculks, or lies hid, or hath Lands, Tenements, Goods or Chattles in another County of this Province, it shall and may be lawful to and for the Court that issued out such Execution to grant, and they are hereby required to grant, an *alias* Execution, with a *Testatum*, directed to the Sheriff or Coroner of the County or Place where such Person lies hid, or where his Lands or Effects are, commanding him to execute the same according to the Tenor of such Writ or Writs, and make Return thereof to the Court of Common Pleas where such Recovery is had or Judgment given. And if the Sheriff or Coroner (to whom such Writ or Writs shall be directed) shall refuse or neglect to execute and return the same accordingly, he shall be amerced in the County where he ought to return it, and be liable to the Action of the Party grieved: And the said Amerciaments shall be truly and duly set, according to the Quality of the Offence, and estreated by the Prothonotaries of the respective Courts of Common-Pleas of this Province into the next succeeding Supream or Provincial Court in course, that thence Process may issue out against the Offenders for levying of such Fines and Amerciaments as shall be unpaid, to the Uses for which they are or shall be appropriated.

The Defendant may have a special Court, in case of sudden Departure.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Defendant or Defendants in any Suit or Action, by Reason of his or their sudden Departure out of this Province, shall require a more speedy Determination in such Action or Suit than can be obtained by the common or ordinary Rules of Proceedings in any of the said Courts of Common-Pleas in this Province, the said Justices, upon Application to them made, shall grant to such Defendant or Defendants special Courts, and shall proceed to hear and determine the Premises according to the Course and Practice of the said Courts of Common Pleas, and for the usual Fees therein taken.

But shall give Bail to the Plaintiff's Action.

PROVIDED ALWAYS, That before the said Justices shall grant such special Court, or proceed to hear and determine the Premises, the Defendant shall give Bail to the Plaintiff's Action by Recognizance according to the Course and Practice of the said Court of Common-Pleas.

Process on Writs of Enquiry regulated.

AND to prevent the excessive Charges that have of late arisen upon executing Writs of Enquiry of Damages, BE IT ENACTED, That the Justices who give any Interlocutory Judgment, shall (at the Motion of the Plaintiff or his Attorney in the Action where such Judgment is given) make an Order, in the Nature of a Writ of Enquiry, to charge the Jury attending at the same or next Court after such Judgment is given, to enquire of the Damages and Costs sustained by the Plaintiff in such Action: Which Enquiry shall be made, and Evidence given in open Court; and after the Inquest consider thereof, they shall forthwith return their Inquisition under their Hands and Seals; whereupon the Court may proceed to Judgment as upon Inquisitions of that Kind returned by the Sheriff.

A competent Number of Attornies may be admitted, Who, misbehaving, shall suffer the Penalties &c. as Attornies in Britain, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That there may be a competent Number of Persons of an honest Disposition, and learned in the Law, admitted by the Justices of the said respective Courts, to practise as Attornies there; who shall behave themselves justly and faithfully in their Practice: And if they misbehave themselves therein, they shall suffer such Penalties and Suspensions as Attornies at Law in *Great-Britain* are liable to in such Cases; by which Attornies Actions may be entered, and Writs, Process, Declarations and other Pleadings and Records in all such Actions and Suits as they shall respectively be concerned to prosecute or defend from time to time, may be drawn, and with their Names and proper Hands signed: Which said Attornies so admitted may practice in all the

the Courts of this Province without any further or other Licence or Admittance: And that the Attorney for the Plaintiff in every Action ſhall file his Warrant of Attorney in the Prothonotary's Office the ſame Court he declares: And the Attorney for the Defendant ſhall file his Warrant of Attorney the ſame Court he appears: And if they neglect ſo to do, they ſhall have no Fee allowed them in the Bill of Coſts, nor be ſuffered to ſpeak in the Cauſe until they file their Warrants reſpectively. Attornies to file their Warrants of Attorney.

Paſſed *May* 22d, 1722. Recorded A, Vol. 2. p. 297.

CCXLII. *An* ACT *to prohibit the Selling of Rum, and other ſtrong Liquors to the Indians, and to prevent Abuſes that may happen thereby.*

WHEREAS the peaceable, wiſe, and prudent Meaſures which the late Honourable *William Penn*, Eſq; our moſt worthy Proprietor, took with the native Indians, at his firſt coming into and ſettling of this Province, has been, under GOD, the happy Foundation and Ground-Work of the Tranquility and perfect good Underſtanding hitherto preſerved between the *Engliſh* Inhabitants of this Colony and their native Indians. AND WHEREAS the Miſunderſtandings and fatal Breaches which have lately happened in ſome of the neighbouring Colonies, between the *Engliſh* and the adjacent *Indian* Nations, are well known to have proceeded from the Irregularities and Abuſes committed by thoſe who travel into the Woods in order to trade promiſcuouſly with the *Indians* as they return from hunting; whereby they have Opportunity, firſt, to debauch the Natives with great Quantities of Rum and ſtrong Spirits, and then cheat them of their Peltry: For the Prevention of which evil and wicked Practices for the future, BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That no Perſon whatſoever, otherwiſe than is herein after declared, ſhall ſell, barter or give to any *Indian* or *Indians*, or to any other Perſon for their Uſe, nor by any Means directly or indirectly furniſh, or cauſe to be furniſhed, any *Indian* or *Indians* with any Rum, Wine, or other ſtrong Liquors, mixed or unmixed, under the Penalty of *Twenty Pounds* for each Offence, one Half to the Governor for the Support of Government, and the other Half to the Informer, or ſuch Perſon or Perſons as will ſue for the ſame; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law ſhall be allowed to the Defendant. Preamble. Penalty on ſelling Rum, &c. to Indians.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, in caſe any Rum, or other Spirits, above the Quantity of one Gallon, be carried amongſt the *Indians* at their Towns, or beyond the Chriſtian Inhabitants, the Perſon carrying the ſame, or he in whoſe Poſſeſſion the ſame ſhall be found, ſhall forfeit and pay the Sum of *Twenty Pounds*, to the Uſes aforeſaid, to be recovered in Manner afore- And on carrying above the Quantity of one Gallon thereof beyond the Inhabitants.

PROVIDED ALWAYS, That the Governor and Council, or Perſons by them authorized and appointed to hold Treaties with any Nation of *Indians*, may, at ſuch Treaties, give any reaſonable Quantity of Rum as by them ſhall be thought neceſſary; any Thing herein contained to the contrary notwithſtanding. At Treaties Rum may be given to the Indians.

AND BE IT FURTHER ENACTED, That no Perſon or Perſons whatſoever, after the firſt Day of *Auguſt* next, under the Penalty of *Twenty Pounds*, to be recovered in Manner and for the Uſes aforeſaid, ſhall trade or traffick with any *Indian* for any Commodity whatſoever, but at their own Dwelling-Houſes and Place of Reſidence with their Families, within ſome ſettled Townſhip of this Province, without being firſt recommended to the Governor for his Licence by the Juſtices of the County Courts of Quarter-Seſſions where he reſides, or the next Quarter-Seſſions within this Province to the Place of ſuch Reſidence: And that no Perſon ſhall be ſo licenſed without firſt giving Bond in the ſaid Quarter-Seſſions, with one or more ſubſtantial Freeholders of the ſame County to be bound with them in the Sum of *One Hundred Pounds*, conditioned, that he will duly obſerve the Laws of this Province for regulating the Trade with the *Indians*: Which Recommendations and Licences ſhall be renewed annually, in the Manner before directed; and ſhall further, by his Oath or Affirmation, oblige himſelf, that he will not directly or indirectly ſell or diſpoſe of any Rum, or other Spirits, mixed or unmixed, to any *Indian* whatſoever. For which Licence he ſhall pay the Sum of *Thirty Shillings*, and no more. Penalty on trading with the Indians without Licence, and Bond, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon, convicted for any Offence committed againſt this Act, have not Goods and Chattels ſufficient to pay the Fine or Forfeiture, in which he ſhall be condemned, the Juſtices or Judges before whom ſuch Conviction is had, ſhall, at the Requeſt of the Informer or Proſecutor, grant to him a Certificate of the Time and Place of ſuch Conviction, and of ſuch Perſon being the Informer or Proſecutor; which Certificate ſhall be directed to the Provincial Treaſurer, upon Sight whereof the ſaid Treaſurer ſhall and is hereby required to pay to ſuch Perſon, his Executors Adminiſtrators or Aſſigns, the Sum of *Five Pounds*. And the Perſon convicted, for Want of Eſtate to pay the Fine and Coſt of his Proſecution, ſhall be committed to the publick Goal of the County, or Houſe of Correction, there to continue at hard Labour for the Space of ſix Months, without Bail or Mainprize. Reward of the Informer out of the publick Treaſury.

PROVIDED ALWAYS, That nothing herein contained ſhall be deemed or taken to prevent any Inhabitant of this Province from giving unto any *Indian* at his Dwelling-Houſe or Habitation any Quantity of Rum, or other Spirits, not exceeding *One Sixteenth* Part of a Quart at one Time, and that not oftner than once in twelve Hours. Quantity of Liquors allowed to be given to an Indian in twelve Hours.

AND becauſe the good Intent of this Act ſhall not be fruſtrated by the ſecret and clandeſtine Practices of

of Persons for the Sake of private Advantage, BE IT FURTHER ENACTED by the Authority aforesaid, That from and after the first Day of *August* next, it shall and may be lawful for the Mayor or Recorder of the City of *Philadelphia*, or any two Justices of the Peace of this Province, as often as they shall think fit, to send for any Person or Persons whatsoever whom they shall suspect to offend against this Act, and severely to reprimand such Person or Persons for having given any Cause by their Conduct or Behaviour with and towards any *Indians* for such Suspicion: But if the said Mayor or Recorder, or any two Justices of the Peace, shall again suspect the same Parties a second Time for having offended against the Intent or Tenor of this Act, then it shall and may be lawful for the said Mayor and Recorder, or any two Justices of the Peace, to administer to such Person or Persons so suspected, an Oath or Affirmation, that he hath not directly nor indirectly, by himself, nor any other for him, after the said first Day of *August*, given, sold, or otherwise disposed of any Rum, Spirits, Wine, or other strong Liquors, mix'd or unmix'd, to any *Indian* or *Indians*, or to any other Person or Persons whatsoever, for them or any of them, contrary to the true Intent and Meaning of this Act: And every such Person or Persons so suspected as aforesaid, nor appearing upon Summons duly served, or appearing and refusing to take the aforesaid Oath or Affirmation, shall forfeit the Sum of *Thirty-nine Shillings*, or undergo Imprisonment for the Space of three Months: The Forfeiture to be divided and disposed of in Manner aforesaid.

Magistrates may send for and examine suspicious Persons, and reprimand 'em.

And upon a second Suspicion, may administer to them an Oath, &c.

Penalty on not appearing upon Summons, or refusing to swear or attest

PROVIDED ALWAYS, That no Forfeiture or Imprisonment shall be levied or inflicted upon any Person whatsoever in this Behalf, for not appearing upon Summons duly made, until an Oath or Affirmation be made of the due Service of the said Summons upon the suspected Person or Persons, before the said Mayor, Recorder or Justices aforesaid; who are hereby impowered to administer such Oath or Affirmation to the Constable or Officer who hath served the same; any thing before to the Contrary thereof in anywise nothwithstanding.

No Forfeiture to be inflicted 'til serving of Summons be sworn or attested to,

PROVIDED ALSO, That any Person or Persons being convicted for any Matter or Thing done or committed against this Act, such Conviction may be pleaded in Bar to any other Suit or Prosecution, to be brought or prosecuted for Breach of any other Law of this Province made and provided against the same Offenders.

Conviction upon this Act may be pleaded in Bar, &c.

Passed *May* 22d. 1722. Recorded A, Vol. 2, p. 302.

CCXLIII. *An* ACT *for Encouraging the Raising of Hemp within this Province.* Obsolete.

Passed *May* 22d. 1722. Recorded A, Vol. 2. p. 304.

CCXLIV. ACT *for Settling a Ferry at* Solebury, *in* Bucks *County, over* Delaware *to* New-Jersey. Expired.

Passed *May* 22d. 1722. Recorded A, Vol. 2. p. 305.

CCXLV. *An* ACT *to erect and establish a Ferry on the Lands of* Thomas Yardly, *of* Makefield *Township, in* Bucks *County.* Expired.

Passed *May* 22d. 1722. Recorded A, Vol. 2 p. 306.

CCXLVI. *An* ACT *for regulating the Gauging of Cask in this Province.*

Preamble.

WHEREAS great Abuses are daily committed in the Trade of this Province, by importing Wine, Rum, and other liquid Merchandizes, in disproportionable Cask, which have been usually gauged by the Diagonal; which is known not to be an exact Rule to find the Contents of a disproportionable Cask; and the Persons selling such Commodities commonly refusing to submit to any other Method or Rule of Gauging, the Purchaser is thereby imposed upon, and often suffers great Loss in Want of just Measure: For the Redress of which Abuse for the future, within this Province, BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That if any Merchant or other Person whatsoever, shall utter, sell or put to Sale, any Butt, Tun, Pipe, Hogshead, Barrel, Rundlet, or other Cask of Rum, Wine, Melasses, or other liquid Merchandize, imported into any Port or Place within this Province, before the Gaugers hereafter mentioned or their Deputies, shall have first plainly and truly set down or marked, upon the Head of such Vessel, the Capacity and full Contents of the same, according to the Standard and Excise of Wine-Measure by the Gallon; such Person or Persons shall forfeit, for the Uses directed in this Act, the Sum of *Ten Pounds*, for every Cask so uttered, sold or put to Sale.

No Person to sell Liquors before gauged by the Gaugers, under Penalty, &c.

Forfeiture on Liquors lacking the Quantity sold for.

AND FURTHER, If any Merchant or other Person shall utter, sell or put to Sale any Rum, Wine, Melasses, or other liquid Merchandizes as aforesaid, within any Port or Place of this Province, in any Cask or Vessel, having the Number of Gallons set down and marked on the Head of such Vessel, and the same shall be found to lack of the Contents marked on the said Vessel, such Person shall forfeit and pay, to the Uses directed in this Act, the Sum of *Ten Shillings* for every Gallon marked or numbered on the said Cask more than it will truly contain.

AND to the End that all Persons dealing in such Merchandize may the more easily and readily be informed

formed and assisted in the discovering the true Quantity of such liquid Merchandize so imported as aforesaid, BE IT ENACTED, That *Nathaniel Griffitts* and *Benjamin Morgan* of *Philadelphia*, shall be and are hereby appointed Gangers of all the Wine, Rum, Melasses, and other liquid Merchandize imported into this Province for Sale. Which said Gangers (before they enter upon their Office, shall take an Oath or Affirmation well and truly to execute the Office of Gangers within this Province, between Buyer and Seller) are hereby impowered, by themselves or their proper Deputies or Assistants, to gauge all Rum, Wine, Melasses or other liquid Merchandize imported in any Butt, Tun, Pipe, Hogshead, Barrel, Rundlet, or other Cask, into any Port or Place of this Province, when they the said Gangers, or either of them shall be thereunto required.

Gaugers Names, and how to be qualified.

AND that they shall mark or set down the true Number of Gallons, according to the *English* Standard and Excise of Wine Measure, which each Cask or Vessel will truly contain, with their own Mark: All which Casks, with their true Marks and Numbers and Owners Names, shall be entered in a Book or Books, to be kept for that Purpose by the said Gangers, or their proper Deputies; to which, recourse may be had as Occasion may require: For a Copy of which Entry they shall receive *Four-pence*; and for each Cask so by them gauged and marked, they shall receive the Sum of *Four-pence*, and no more.

Gaugers to mark the Cask, with the Contents, and enter it in a Book. Fee for a Copy, and forgauging.

AND if any Cask or other Vessel, gauged and marked by the said Gangers, or their lawful Deputies, shall be found lacking one or more Gallons of the Quantity numbered or marked on the said Cask or Vessel, the aforesaid Gangers shall forfeit *Ten Shillings* for each Gallon lacking or exceeding the Number or Mark so set down on each Cask.

Penalty on false Gauging.

AND BE IT FURTHER ENACTED, That all and every the Penalties and Forfeitures in and by this Act set and appointed, shall be one Half to the Governor for the Support of Government, and the other Half to the Informer, or him or them that will sue for the same: If under *Forty Shillings*, to be recovered as Debts under *Forty Shillings* are usually recovered, and if above *Forty Shillings*, to be sued for and recovered by Bill, Plaint or Information, in any Court of Record within this Province, wherein no Essoin, Protection or Wager of Law shall be allowed for the Defendant.

How the Penalties shall be appropriated and recovered.

Passed *May* 22*d*, 1722. Recorded A, Vol. 2. p. 222.

IX. Geo. A. D. 1722.

CCXLVII. *An* ACT *for the emitting and making current* Fifteen Thousand Pounds *in Bills of Credit.* Obsolete.

Passed *March* 2*d*, 1722-3. Recorded A, Vol. 2. p. 228.

CCXLVIII. *An* ACT *for reducing the Interest of Money from* Eight *to Six* per Cent. per Annum.

BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met and by the Authority of the same, That no Person shall, directly nor indirectly, for any Bonds or Contracts to be made after the Publication of this Act, take for the Loan or Use of Money, or any other Commodities, above the Value of *Six Pounds* for the Forbearance of *One Hundred Pounds*, or the Value thereof, for one Year, and so proportionably for a greater or lesser Sum, any Law, Custom or Usage to the contrary notwithstanding.

6 per Cent. to be lawful Interest of Money, &c.

AND BE IT FURTHER ENACTED, That if any Person or Persons whatsoever, do or shall (after the Publication of this Act) receive or take more than *Six Pounds per Cent. per Annum*, on any such Bond or Contract as aforesaid, upon Conviction thereof, the Person or Persons so offending shall forfeit the Money and other Things lent; one Half thereof to the Governor for the Support of Government; and the other Half to the Person who shall sue for the same, by Action of Debt, Bill, Plaint or Information, in any Court of Record within this Province, wherein no Essoin, Protection or Wager of Law, or any more than one Imparlance shall be allowed.

Persons taking more than 6 per Cent. forfeit the Money or Things lent.

Passed *March* 2d, 1722-3. Recorded A. Vol. 2. p. 236.

CCXLIX. *An* ACT *to rectify Proceedings upon Attachments.*

WHEREAS in the Execution of a Law of this Province, intituled, *An Act about Attachments*, divers Irregularities and fraudulent Practices have happened, to the Injury of such Creditors as were willing to accept of an equal Share of their Debtors Effects in Proportion to their Demands, and not have them wasted in needless Prosecutions, contrary to the true Design of the said Act: Therefore, to prevent such Practice for the future, may it please the Governor that it may be enacted, AND BE IT ENACTED by Sir *WILLIAM KEITH*, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That from henceforth no Writ or Writs of Attachment shall issue forth or be granted before the Person or Persons requesting the same, or some other credible Person or Persons for him or them, shall, upon Oath or Affirmation, declare, That the Defendant in such Attachment is indebted to the Plaintiff therein named in the Sum of *Forty Shillings* or more; and that the Defendant is and has been absconded from the Place of his usual Abode for the Space of six Days, with Design to defraud his Creditors, as is believed; and that the Defendant has not left a clear real Estate in Fee-simple within this Province sufficient to pay his Debts, so far as such Plaintiff or Deponent knows or believes. Which Oath or Affirmation the Officer that grants such Writs is hereby impowered and required to administer, and to file

Writs of Attachment not to issue out except Oath be made that the Person indebted is not worth the Sum charged &c. or is absconded.

the ſame in the Court to which the ſaid Attachment is returnable: And if any Attachments be granted or iſſued out otherwiſe or contrary to the true Intent and Meaning hereof, the Officer or Perſon ſo granting the ſame, ſhall for every ſuch Offence, forfeit the Sum of *Five Pounds;* the one Half for the Uſe of him or her that will ſue for the ſame, the other Half to the Governor for the Support of Government.

Writs of Attachment to be ſerved by the Sheriff or Coroner.

AND BE IT FURTHER ENACTED by the Authority, aforeſaid, That all Writs of Attachments to be iſſued out as aforeſaid, ſhall be directed to and ſerved by the Sheriff or Coroner of the proper County; who ſhall attach all the Lands, Goods, Chattels and Effects whereof the Defendants, in every of the ſaid Writs named, were poſſeſſed or reputed Owners at the Time of their Abſconding, in whoſe Hands ſoever the ſame can be found: And that all the ſaid Chattels and Effects attached by Virtue of ſuch Writs ſhall forthwith be appraiſed, inventory'd and ſecured by the Officer who executes the Writs, in ſuch Hands as he ſhall anſwer for.

Chattels and Effects to be forthwith appraiſed, &c.

Defendant's Effects garniſhed, ſhall alſo be attached.

AND if any of the Defendant's Money, or other Effects, happen to be garniſhed in other Hands, the ſame ſhall alſo be attached, and the Garniſhees obliged to appear and anſwer at the Return of ſuch Writs, and be proceeded againſt in ſuch Manner as by the above-cited Act is directed.

No ſecond Attachment to iſſue out.

PROVIDED ALWAYS, That no ſecond or other Attachment ſhall, under the Penalty aforeſaid, be iſſued againſt or ſerved upon the Eſtate or Effects of the ſame Defendant, unleſs the firſt Attachment be nor executed or happens to be diſſolved by the Court.

Juſtices accepting the Officers Return of Writs, to nominate Men to audit Accounts and adjuſt Demands.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That as ſoon as the Juſtices of that Court where the ſaid Writs of Attachments are returnable, accept the Officer's Return thereof, they are hereby impowered and required to nominate and appoint three honeſt and diſcreet Men to audit the Accounts of all the Defendant's Creditors, and to adjuſt the Demands not only of the Plaintiffs in thoſe Attachments, but of all the reſt of the Defendant's Creditors, and ſettle their Shares or Proportions of the Defendant's whole Eſtate, real and perſonal, and make true Report of their Proceedings therein to the Juſtices of the Court, next after ſuch Appointment, which Juſtices are hereby impowered and required to allow reaſonable Fees to the ſaid Auditors, out of the Goods or Effects attached as aforeſaid, as a Reward for their Trouble.

Auditors to examine Men upon Interrogatories, &c.

AND for the better Diſcovery of the fraudulent Practices of the ſaid Defendants, it ſhall be lawful for the Auditors, ſo as aforeſaid to be appointed, or the major part of them, to examine ſuch Perſons as they ſhall think fit, upon Interrogatories or otherwiſe, on Oath or Affirmation (which they are hereby impowered to adminiſter) touching the Lands, Tenements, Goods, Chattels or Effects of the ſaid Defendants, and ſuch other Things as may tend to diſcloſe their Eſtates, or their ſecret Grants and alienating of their Effects. And that the ſaid Auditors may, by Warrants under their Hands and Seals, cauſe to be broke open any Houſes, Chambers, Shops, Ware-houſes, Doors, Trunks or Cheſts of the ſaid Defendants, where their Goods or Effects ſhall be or reputed to be, and ſeize the ſame for the Uſe of their Creditors.

Auditors to make Sale of the Defendant's Lands, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Auditors, or a Majority of them, to make Sale and Aſſurance of all the Lands and Tenements, Goods and Chattels belonging to ſuch Defendants, or otherwiſe to order the ſame for Satisfaction of their Creditors, rateably, according to the Quantity of their reſpective Debts: And that every Direction, Bargain, Sale or Aſſignment done by the ſaid Auditors concerning the Premiſes, purſuant to this Act, ſhall be good and effectual in Law againſt the ſaid Debtors, their Heirs, Executors and Aſſigns.

And diſpoſe of Debts due to the Defendants.

And that it ſhall and may be lawful for a Majority of the ſaid Auditors to grant and aſſign, or otherwiſe to order or diſpoſe of all or any of the Debts due or to be due to and for the Benefit of the ſaid Defendants, to the Uſe of their Creditors. And that the ſame Grant, Aſſignment or Diſpoſition of the ſaid Debts ſo to be made, ſhall veſt the Property, Right and Intereſt thereof in the Perſon or Perſons of him, her or them to whom it ſhall be ſo granted, aſſigned or ordered by the Auditors; ſo that ſuch Aſſignees may ſue for and recover the ſaid Debts in their own Names, and detain the ſame to their own Uſe. And that after ſuch Grant, Aſſignment or Diſpoſition made of the ſaid Debts, neither the ſaid Defendants nor any other to whom ſuch Debts ſhall be due, ſhall have Power to recover the ſame, nor to make any Releaſe or Diſcharges thereof.

Auditors to give 30 Days Notice before Sale of Effects.

PROVIDED ALWAYS, That the Perſons nominated as Auditors ſhall give publick Notice, thirty Days before the Sale or Diſpoſition of ſuch Goods or Effects as aforeſaid, by a publick Advertiſement in the *Weekly Mercury*, or affixed on the Doors of the reſpective Court-Houſes of this Province.

Any Lands conveyed or aſſured with Power of Redemption may be ſold by them, &c.

AND if the ſaid Defendants have heretofore granted, convey'd or aſſur'd, or ſhall at any Time hereafter grant, convey or aſſure any Lands, Tenements, Hereditaments, Goods, Chattels, or other Eſtate, unto any Perſon or Perſons, upon Condition or Power of Redemption at a Day to come, by Payment of Money, or otherwiſe, that it ſhall and may be lawful to and for the ſaid Auditors, or a Majority of them, before the Time of Performance of ſuch Condition, to aſſign and appoint, under their Hands and Seals, ſuch Perſon or Perſons as they ſhall think fit, to make Tender or Payment of Money, or other Performance, according to the Nature of ſuch Condition, as fully as the ſaid Defendants ought to have done. And that the ſaid Auditors ſhall, after ſuch Tender, Payment or Performance, have Power to ſell and diſpoſe of ſuch Lands and other Eſtates ſo aſſured upon Condition, to and for the Benefit of the Creditors as aforeſaid.

Overplus of Effects to be returned.

PROVIDED ALWAYS, That the Overplus of the ſaid Debtor's Eſtate (if any be) after all the Debts and lawful Charges are deducted, ſhall be returned to ſuch Debtors, their Executors or Adminiſtrators; any thing herein contained to the Contrary notwithſtanding.

PRO-

PROVIDED ALSO, That nothing in this Act contained ſhall be deemed to repeal or diſannul any thing in the Law, intituled, *An Act about Attachments under Forty Shillings;* any thing herein to the Contrary notwithſtanding. 12. Will. 3. ſince repealed.

PROVIDED ALWAYS, That nothing in this Act contained ſhall be conſtrued, deemed or taken to exempt the Goods or Effects of any Perſon or Perſons, not Inhabitants of this Province, from being attached according to the Directions of an Act of General Aſſembly of this Province, made in the Fourth Year of the late Queen *Anne*, intituled, *An Act about Attachments*; any thing in this, or any other Act contained to the Contrary hereof in anywiſe notwithſtanding. Any Perſons Goods, not Inhabitants, may be attached.

Paſſed *March* 2d, 1722-3. Recorded A. Vol. 2. p. 236.

CCL. *An* ACT *for reſpiting Executions upon certain Judgments of Courts in this Province.* Obſolete.

Paſſed *March* 2, 1722-3. Recorded A, Vol. 2. p. 239.

CCLI. *An* ACT *for veſting the Lands and Lots commonly called the Lands of the Free-Society of Traders in* Pennſylvania, *in Truſtees, to be ſold for the Payment of ſuch Sums of Money as were paid into the publick Stock of the ſaid Society for purchaſing the ſaid Lands and Lots, and carrying on the Trade deſigned by the ſaid Society.*

WHEREAS it appears to the preſent Houſe of Repreſentatives of the Freemen of this Province in General Aſſembly met, That *William Penn*, Eſq; late Proprietor of the Province of *Pennſylvania*, did by his Deeds of Loaſe and Releaſe, bearing Date the 22d and 23d Days of *March*, in the Year of our Lord One Thouſand Six Hundred and Eighty-one, grant, bargain and ſell unto *Nicholas Moore*, *James Claypoole*, *Philip Ford*, *William Sharloe*, *Edward Pierce*, *John Simcock*, *Thomas Braſey*, *Thomas Barker* and *Edward Brooks*, and to their Heirs and Aſſigns for ever, Twenty Thouſand Acres of Land, Parcel of the ſaid Province of *Pennſylvania*, with ſome Lots of Land in or near *Philadelphia*, IN TRUST for the Free Society of Traders in *Pennſylvania*, and their Succeſſors: AND WHEREAS a great Number of People, as Members of the ſaid Society, ſubſcribed and paid in many large Sums of Money, into the Publick Stock of the ſaid Society, towards the purchaſing of the ſaid Lands, and carrying on a Trade: AND WHEREAS the ſaid Perſons, Subſcribers, commonly called, *The free Society of Traders in* Pennſylvania, having met with ſundry Diſappointments in their Trade, the aforeſaid Truſtees and their Agents, for upwards of twenty Years laſt paſt, declined acting any further on Account or in Behalf of the ſaid Subſcribers; and thoſe Lands, Part of the aforeſaid Twenty Thouſand Acres of Land and Lots, which are already ſurveyed and located, are (for want of ſome Perſons legally qualified to take Care of the ſame) enter'd upon, poſſeſſed and waſted by ſundry idle and ill diſpoſed Perſons, who are not only unjuſt in their Invading the Property of other Perſons, but alſo create much Trouble and Uneaſineſs to the People who live near thoſe Parts of the Province where theſe Lands lie. And that Part of the aforeſaid Twenty Thouſand Acres of Land and Lots, which remains yet to be ſurveyed and located, is become of ſmall Value, foraſmuch as the moſt convenient and valuable Lands are already appropriated to other Perſons, having Right to Lands in the ſaid Province, and only more remote Lands remain unſurveyed.

AND WHEREAS a conſiderable Number of the Heirs or Perſons legally repreſenting the original Subſcribers, who paid in their Money to the Stock, for the Uſe of the ſaid Society, do live and reſide in this Province, are deprived of any Benefit, which might ariſe to them, from their reſpective Rights and Shares in and to the ſaid Lots and Lands, whether ſurveyed or unlocated by reaſon of the Death of the ſaid Truſtees, who had no Power or took no Care in their Life-time, or at the Time of their Death, to appoint any Perſon or Perſons to repreſent them in the Capacity of Truſtees; and that the whole Intereſt will be ruined and loſt, and the aforeſaid original Subſcribers, and the Perſons claiming in their Right, who paid in their Money to the ſaid Stock, will be defeated of their juſt Demands, unleſs they have the Aid of an Act of the General Aſſembly of this Province, to veſt the ſaid Lands and Lots already ſurveyed and located, and the Right to the Lands and Lots not yet ſurveyed nor located, in ſome Perſons in Truſt, with full Power to ſell and diſpoſe of the ſame, and to divide the Money ariſing by ſuch Sale equally among the Perſons having Right thereunto, May it therefore pleaſe the Governor, at the humble Suit of *Francis Wood*, *John Wood*, *Joſeph Shippen*, *Job Goodſon*, *Stephen Jackſon*, *Joſeph Pidgeon*, *Joſeph Coleman*, *John Durburow*, *William Hearn*, and *Charles Read*, in Behalf of themſelves and the other Perſons intereſted in the ſaid Lots and Lands belonging or that did belong to the ſaid Society, whether ſurveyed or unſurveyed, to vouchſafe that it may be enacted;

AND BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That all the Lands, Tenements and Hereditaments, with their and every of their Appurtenances whatſoever, which the ſaid Perſons, commonly called, *The Free Society of Traders in Pennſylvania*, or any of them, as Members of the ſaid Society, or any Perſon or Perſons for their Uſe or in Truſt for them, were ſeiſed or poſſeſſed of in Poſſeſſion, Reverſion or Remainder, on the Twenty-fourth Day of *March*, in the Year of our Lord One Thouſand Six Hundred and Eighty-one, or at any Time ſince, and all Rights which the ſaid Society had to any Lands or Lots not yet ſurveyed in the ſaid Province, either in Law or Equity, at the Time aforeſaid, or at any Time ſince, be and are hereby actually veſted, ſettled and adjudged to be in *Charles Read*, *Job Goodſon*, *Evan Owen*, *George Fitz-* The Lands of the Society veſted in Truſtees.

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water and *Joſeph Pidgeon* of the City of *Philadelphia* Merchants, and the Survivors and Survivor of them and the Heirs of the Survivor of them, and that they and the Survivors and Survivor of them, and the Heirs of the Survivor of them, or ſo many of them as ſhall accept of the Truſt, ſhall and may have the Benefit of all Rights of Entry into the ſaid Lots Lands, Tenements and Hereditaments, and every of them, which are already ſurveyed or located, and into all the remaining Parts and Parcels of the ſaid Lands and Lots not hitherto ſurveyed and located.

PROVIDED ALWAYS, That the Truſtees aforeſaid, before they enter on the Execution of their ſaid Office, ſhall take an Oath or Affirmation, before any two Juſtices of the Peace of this Province, and alſo enter into Bond, with good and ſufficient Securities to the Treaſurer appointed by this Act in the Sum of *Two Hundred Pounds* each, for the true Performance of the Truſt repoſed in them, to the beſt of their Skill and Ability.

Declaration of their Truſt.

NEVERTHELESS upon Truſt and Confidence, that they the ſaid *Charles Read*, *Job Goodſon*, *Evan Owen*, *George Fitzwater*, and *Joſeph Pidgeon*, or ſo many of them as ſhall accept of the Truſt aforeſaid, and the Survivors and Survivor of them and the Heirs of the Survivor of them, ſhall have, hold, and enjoy all and ſingular the Premiſes and every of them ſubject to ſuch Truſt and Uſes as by this Act is directed and appointed, and ſhall diſpoſe of the ſame accordingly. SAVING to all and every Perſon and Perſons, Bodies politic and corporate, their Heirs, Succeſſors, Executors, Adminiſtrators and Aſſigns, and every of them, (other than the ſaid Society and all Perſons claiming under them or in their Right) All ſuch Eſtates, Rights and Intereſts, which any ſuch Perſon or Perſons, Bodies politic or corporate or any claiming under them, have or ought to have in or to the ſaid Lands, Lots, Tenements and Hereditaments or any of them.

AND BE IT FURTHER ENACTED, That the ſaid *Charles Read*, *Job Goodſon*, *Evan Owen*, *George Fitzwater* and *Joſeph Pidgeon*, or any three of them, and the Survivors and Survivor of them, and the Heirs of the Survivor of them, ſhall have full Power, and Authority, and are hereby impowered and authorized to convey the Premiſes, or any Part thereof, whether located and ſurveyed or not ſurveyed, by Bargain and Sale or otherwiſe, by good and ſufficient Conveyance and Aſſurance in the Law, to any Perſon or Perſons whatſoever, in *Fee-ſimple* or otherwiſe, for ſuch Sum or Sums of Money as ſhall be contracted for between the ſaid Truſtees and the Perſons purchaſing the ſame. And that all Bargains, Sales, Conveyances and Aſſurances made of the ſaid Lands, Lots, Tenements and Hereditaments, or any Part thereof, by the ſaid Truſtees in this Act named, ſhall be good and effectual in Law to the Purchaſers, according to their Contract and Agreement to all Intents and Purpoſes. And all and every Purchaſer or Purchaſers of the Premiſes or any Part thereof, his or their Heirs and Aſſigns, ſhall have, hold and enjoy the Premiſes, that ſhall be by him or them ſo purchaſed, diſcharged of all Claims and Truſt whatſoever, to be made by or in Right of the ſaid Society or any of them by any Perſon or Perſons whatſoever. TO BE HOLDEN nevertheleſs of the Proprietor of the Province of *Pennſylvania*, his Heirs and Succeſſors, under the proportionable Part of the Rents at firſt reſerved on the ſame Lands.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That the aforeſaid Truſtees and every of them, their Heirs, Executors and Adminiſtrators, and the Survivors and Survivor of them, and their Executors and Adminiſtrators, ſhall pay unto *Francis Rawle* of *Philadelphia* County, Gent. the Monies ariſing by Sale of the ſaid Lands, Lots, Tenements, Hereditaments and Premiſes, or any Part of them. Which ſaid *Francis Rawle* is hereby conſtituted and appointed to be Treaſurer for the receiving, dividing and paying the Monies aforeſaid, to ſuch Perſons and in ſuch Manner as by this Act is directed and ordered. AND it is hereby further ordained, That the ſaid *Francis Rawle*, before he enters upon his Office of Treaſurer, and within Two Months after the End of this Seſſion of Aſſembly, ſhall enter into Bond, with good and ſufficient Securities, to the Regiſter General of this Province for the Time being, in the Sum of *Three Thouſand Pounds*, with Condition to execute the ſaid Office, and Truſt of Treaſurer for the Purpoſes and according to the Uſes and Directions of this Act. Which Bond ſhall be Recorded in the Rolls-Office of *Philadelphia*, and the Original Bond lodged with the Clerk of the *Orphans Court* for the City and County of *Philadelphia*, and remain in full Force againſt the ſaid Treaſurer and his Heirs, until the ſaid Treaſurer ſhall make the final Diviſion and Diſtribution of the Money or other Security received by Virtue of this Act, and alſo lay his Accounts thereof before the Juſtices of the *Orphans-Court*; which Accounts being approved and allowed of by the ſaid Court, the ſaid Obligation ſhall become void and be delivered up and cancelled.

AND the ſaid Treaſurer for the Time being is hereby fully impowered and authorized to call the ſaid Truſtees and every of them, their Heirs, Executors and Adminiſtrators, to account, for all ſuch Sum and Sums of Money and other Securities, which they or any of them, ſhall at any Time take or receive for or on account of the Sale of the aforeſaid Premiſes or any Part thereof, and for the Non-payment of any Sum or Sums of Money, or not delivering of any Bond or other Security by the aforeſaid Truſtees or any of them, who ſhall receive or take the ſame for the Sale of any of the ſaid Lots or Lands, the ſaid Treaſurer is hereby enabled and required to ſue for the ſame in his own Name, by Action of Account or otherwiſe for ſo much Money received for the Uſe of the Perſons intereſted in the ſaid Society. And on Payment of the ſaid Monies, or any Part thereof to the Treaſurer aforeſaid, his Receipt for the ſame ſhall be a ſufficient Diſcharge for ſo much to the ſaid Truſtees, their Heirs, Executors and Adminiſtrators, againſt all Perſon or Perſons whatſoever, claiming or to claim any Right, Share or Intereſt in the aforeſaid Lands and Premiſes, or any Part thereof.

AND it is hereby further ordained, That in caſe of the Death or Misbehaviour of the ſaid Treaſurer, before the ſaid Lands and Premiſes be ſold, or the Money divided and diſpoſed of according to the Directions of this Act, That then the ſaid Truſtees, and the Survivors and Survivor of them, and the Heirs of the Survi-

Survivor of them ſhall, together with the Juſtices of the Orphans Court for the City and County of *Philadelphia*, nominate and appoint ſome other diſcreet honeſt Perſon to execute the ſaid Office and Truſt of Treaſurer; who ſhall give the like Security, and in the ſame Manner, and ſo *Toties quoties* as any Treaſurer appointed by this Act ſhall die, or be removed as aforeſaid, before ſuch Diviſion and Diſtribution as in this Act is directed. Which ſaid Treaſurer, when ſo elected, and Security given for Diſcharge of his Office and Truſt as aforeſaid, ſhall and is hereby veſted with the ſame Powers, and ſhall be ſubject to the ſame Rules and Directions as is in this Act limited and expreſſed, touching and concerning the Execution of the Office and Truſt of Treaſurer.

AND that ſuch Actions of Account may be brought and maintained by ſuch ſucceeding Treaſurer, againſt the Heirs, Executors or Adminiſtrators of any former Treaſurer, for all ſuch Sum and Sums of Money, or other Securities as ſuch former Treaſurer had received or taken for or on Account of the Sale of any of the Lots or Lands aforeſaid, and ſhall not have diſpoſed of according to the Directions of this Act. AND that a due Improvement may be made of the Monies ariſing or that may ariſe by Sale of the aforeſaid Lots, Lands and Premiſes for the Intereſts of all the Perſons having Rights to the ſame, BE IT ENACTED, That the ſaid Truſtees, or any three of them, and the Survivors and Survivor of them, and the Heirs of the Survivor of them, ſhall forthwith proceed to the Sale of the ſaid Lots, Lands and Premiſes, with the Appurtenances, and every Part thereof, in ſuch Quantities as will beſt and moſt readily ſell, and for the beſt Prices as the ſame can be ſold for: And that all Bonds, Bills, and other Securities taken by the ſaid Truſtees, or any of them, for the Payment or Securing of any Sum or Sums of Money, for which any of the Premiſes ſhall be ſold, ſhall be taken in the Name of the Treaſurer for the time being, for the Uſe of the Perſons having Right to the ſame as Members of, or Perſons intereſted in the ſaid Society, or thoſe claiming lawfully under them.

AND to the Intent that an equal juſt Diviſion and Diſtribution may be made of the Monies that ſhall or may ariſe by the Sale of the ſaid Lands, Lots and Premiſes, among all the Perſons having Right to the ſame, BE IT ENACTED, That no Diviſion or Diſtribution of the ſaid Monies, or any Part thereof, ſhall be made among the Perſons claiming Right to the ſame, before the twenty-fifth Day of *March*, which will be in the Year of our Lord One Thouſand Seven Hundred and Twenty-five; and that in the mean time the aforeſaid Truſtees, or ſome of them, ſhall cauſe the Time, Place and Manner of the ſeveral Dividends or Diſtributions directed to be made by this Act to be advertiſed in the *London Gazette*, and in the *American Mercury*, publiſhed at *Philadelphia*, or ſome other publick Print here and in *Great-Britain*, as ſoon as with Conveniency it can be done, once every Month for the Space of at leaſt twelve Months ſucceſſively, thereby giving Notice to all Perſons who have or do legally repreſent any Perſons who paid any Part of their Subſcriptions into the Stock of the ſaid Society, and have not received ſuch Money or other Conſideration for the ſame, to appear by themſelves or their Agents, with proper Credentials, proving their Rights, at or before the Time and Place in this Act appointed for making the ſeveral Diſtributions or Dividends in this Act ordered to be made.

AND to the End that all Perſons concerned may be the better enabled to make out their juſt Claims to their reſpective Shares of the Monies ariſing by Sale of the ſaid Lands and Lots, BE IT ENACTED That the Books of Accounts, and Papers, formerly belonging to the ſaid Society of free Traders, ſo far as the ſame ſhall appear to be genuine, ſhall be admitted as Evidence in any Court of Law or Equity within this Province, to prove the Sum or Sums of Money paid in the Stock of the ſaid Society, or to any Perſon for the Uſe of the ſaid Society: And that the ſaid Books and Papers, belonging to the ſaid Society, ſhall remain in the Hands and Cuſtody of the Clerk of the Orphans Court, at *Philadelphia*, for the time being, liable at all times to the Inſpection of the Treaſurer appointed by this Act; and that all Perſons may have Recourſe to the ſame, to prove or make out their ſeveral Claims to their Rights in their ſaid Lands and Lots, and the Monies ariſing by the Sale of the ſame. And the ſaid Clerk of the Orphans Court ſhall take for each Search the Sum of *Twelve-pence*, and no more.

AND BE IT FURTHER ENACTED, That for the more eaſy and ſpeedy Proof of the ſeveral Claims and Demands of the Perſons having Rights to any Part or Share of the ſaid Monies for which the ſaid Lands and Lots ſhall be ſold, it ſhall and may be lawful for the Party or Parties ſo claiming, either in their own Right, or in the Right of another, to exhibit their Demand or Claim before the Juſtices of the Orphans Court, or any five of them, in Court at *Philadelphia*, having firſt given Notice to the Treaſurer for the time being of the Time and Place of his or their appearing, to prove ſuch Claim, together with the Sum demanded, and in whoſe Right the ſame is claimed. And if the ſaid Juſtices ſhall then and there allow the Claims or Demands made by ſuch Claimant, he, ſhe or they ſhall have a Certificate of the Time and Place of the Proof and Allowance of ſuch Claim under the Hand and Seal of the Clerk of the ſaid Court, for which the Clerk ſhall receive *One Shilling*, and no more; which Certificate ſhall be good Proof to enable the Perſon to whom ſuch Certificate ſhall be given, his Executors, Adminiſtrators or Aſſigns, to receive the Sum or Sums of Money ſo proved and allowed by the Juſtices as aforeſaid, or ſuch Part thereof as ſhall of Right belong to ſuch Perſon upon the making of the ſeveral Dividends ordered to be made by this Act: Which Dividends, ſhall be made in the following Manner, that is to ſay, The ſaid Treaſurer ſhall on the twenty-fifth Day of *March* which will be in the Year of our Lord One Thouſand Seven Hundred and Twenty-five, at the Court-houſe or City-Hall in *Philadelphia*, lay his Account of the Monies and Intereſt, with other Securities by him received for and on the Account of the Sale of the ſaid Lands and Lots before the Juſtices of the Orphans Court, or any five of them in Court; as alſo an Account of his Diſburſments and Expences laid out in the Execution and Diſcharge of his Truſt: And ſhall likewiſe exhibit the Account of Claims

made or that ſhall appear to be due by the ſaid Society's Books and Papers, and allowed of by the ſaid Juſtices, or other ſufficient Proof allowed of by the Orphans Court aforeſaid. And after Allowance made to the ſaid Treaſurer of the Sums of Money by him and the Truſtees aforeſaid diſburſed and expended in the Execution of the Truſt aforeſaid; and the Salary of *Five per Cent.* in the Whole, for Receiving and Paying, allowed him by this Act, the ſaid Juſtices, together with the Treaſurer and Truſtees, if they will be preſent, ſhall proceed and make an equal Dividend of all the Monies then remaining in the Treaſurer's Hands, both Principal and Intereſt, to and among the Perſons having Rights to the ſame, in Proportion to their reſpective Shares, paid into the original Stock. And after ſuch Dividend made as aforeſaid, the ſaid Treaſurer for the Time being, his Heirs, Executors and Adminiſtrators, ſhall proceed and forthwith make Payment to the ſeveral Claimants who ſhall appear to receive the Sums allowed them in the Dividend aforeſaid. And the Parts, Shares or Sums that ſhall appear to be due to any Perſon or Perſons who are not preſent or do not appear in their own Perſons, or by their lawful Repreſentatives at the Time of making the Dividend aforeſaid, ſhall remain in the Treaſurer's Hands to be paid to the ſeveral Claimants having Right thereunto when they ſhall appear to receive the ſame, at any Time before the twenty-fifth Day of *March* which will be in the Year of our Lord One Thouſand Seven Hundred and Thirty.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all the Monies ariſing by Sale of the ſaid Lands and Lots, both Principal and Intereſt, and remaining in the ſaid Treaſurer's Hands on the ſaid twenty-fifth Day of *March*, in the Year laſt mentioned (after Allowance and Deduction made of all neceſſary Charges and Commiſſions allowed to be paid by the ſaid Act) ſhall then be equally divided to and amongſt all the Perſons appearing by themſelves or lawful Repreſentatives, in Proportion to their reſpective Shares paid into the original Stock,, by the Perſons appearing or thoſe under whom they claim, at the ſame Place and in the ſame Manner as the firſt Dividend is before ordered to be made.

AND BE IT FURTHER ENACTED, That if the Treaſurer appointed or to be appointed by Virtue and according to the Directions of this Act, ſhall refuſe or neglect to render his Account of Monies or other Securities which he ſhall receive for or on account of the Sale of the ſaid Lands and Lots or any Part thereof at the Times and Places, and in the Manner directed by this Act, and make the Dividends and Diſtributions in Manner herein before directed, to the ſeveral Perſons having Right to the ſame: That in ſuch Caſe it ſhall and may be lawful to and for the ſaid Claimants and every of them, ſeverally to bring their Actions of Debt upon *Inſimul Computaſſet* againſt ſuch Treaſurer, his Heirs, Executors and Adminiſtrators in any Court of Record within this Province for the Sums allowed them in their Certificates. And if upon hearing of the Cauſe it appears to the Juſtices of the Court where the Tryal is had, that the Treaſurer refuſed to pay unto the ſaid Claimant his proportionable Part of the Monies falling to his Share on the ſaid Dividend, the Plaintiff ſhall recover his Debt of the Monies in the ſaid Treaſurers Hands, and ſhall have Judgment to recover the Coſts of the proper Goods of the ſaid Treaſurer.

AND BE IT FURTHER ENACTED, That the ſaid Treaſurer for the Time being, and the ſaid Truſtees and the Survivors and Survivor of them, and the Heirs of the Survivor of them, ſhall have Power and Authority, and are hereby authorized to take into their Aſſiſtance ſuch learned Counſel as the ſaid Treaſurer and Truſtees ſhall think fit for the adviſing and aſſiſting them in the Diſcharge of the Truſt repoſed in them by this Act, and to give ſuch reaſonable Fees and make ſuch Allowance to the ſaid Counſel as they ſhall think neceſſary. Which ſaid Sums ſo laid out and expended, ſhall and is hereby ordered to be allowed to the ſaid Treaſurer and Truſtees, their Executors and Adminiſtrators reſpectively. And that there ſhall be paid and allowed by the ſaid Treaſurer to the ſaid Truſtees, or to ſuch of them as ſhall accept of and execute the Truſt repoſed in them by this Act, the Sum of *Five per Cent*, amongſt them out of the Monies received for the Sale of the ſaid Lands and Premiſes before any Diviſion or Diſtribution be made of ſuch Monies, together with their neceſſary and reaſonable Charges by them laid out and expended in executing the Truſt aforeſaid, to be allowed of by the Juſtices of the *Orphans Court* aforeſaid. And that the Monies already due for Council and other incident Charges accrued in obtaining this Act, ſhall be allowed by the Truſtees, and forthwith paid by the Treaſurer out of the firſt Monies ariſing by Sale of the ſaid Lands, to ſuch Perſon or Perſons to whom the ſame is, or ſhall be due.

AND to the End, that no Perſon may be injured, by Means of this Act, BE IT ENACTED by the Authority aforeſaid, That if any Perſon or Perſons, who are ſettled upon and have improved any Part of the Lots or Lands, commonly called the *Society's Lands*, and who at the time of ſuch Perſon or Perſons ſeating upon or ſettling the ſame, had a good and legal Right and Intereſt in the Lands belonging to the ſaid Society, the Truth of which Right or Claim, being at the Requeſt of the Perſon claiming proved before and allowed of by the Juſtices of the *Orphan's Court* aforeſaid, or any five of them, within the Space of four Months next after the Publication of this Act, in the ſame Manner as is before directed for the proving of Claims; then in ſuch Caſe and not otherwiſe, the ſaid Lots or Lands ſhall be valued by the Juſtices of the *Orphans Court* aforeſaid, or any three of them, excluſive of the Improvements made thereon, by the Perſons having ſuch Intereſt as aforeſaid. And after ſuch Valuation ſo as aforeſaid made, the ſaid Truſtees or ſome of them ſhall give Notice of the Price or Value of ſuch Lots or Lands ſo made and ſet by the Juſtices aforeſaid, to the Perſon ſeated upon the ſame, and who had any Intereſt in the Lots and Lands of the ſaid Society, at the Time of his or her firſt ſeating or ſettling thereon. And ſhall require ſuch Poſſeſſor to pay to the ſaid Truſtees, the Monies at which the Lots and Lands ſhall be valued or otherwiſe give ſufficient Security for the Payment of the ſame to the ſaid Truſtees, in the Name of the Treaſurer, by this Act appointed or to be appointed. And upon ſuch Payment made or Security given as aforeſaid, the ſaid Truſtees, as in other Sales injoined, to be made by this Act, ſhall execute to the ſaid Purchaſer at his or their proper Coſts and Charges in the Law ſuch Deed

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or Conveyance as may be ſufficient to veſt the Purchaſer with an Eſtate in Fee, in the ſaid Lots and Lands, with all Buildings and Improvements thereupon erected and made. BUT in caſe of Neglect, to prove ſuch Claim or Right, within the Space of four Months after the Publication of this Act, or in caſe of Neglect or Refuſal, to pay or give good Security for the Value or Price ſo ſet by the Juſtices as aforeſaid, within the Space of one Month after Notice thereof given as aforeſaid, ſuch Poſſeſſor or Claimer, ſhall be utterly debarred and excluded from any future Claim or Intereſt to the ſaid Lots, Lands and Improvements. And the ſaid Truſtees may and hereby are impowered to proceed to Sale of the ſame for the beſt Price they will yield; Any Proviſo or other thing in this Act to the contrary notwithſtanding.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED, That the ſaid *Charles Read*, *Job Goodſon*, *Evan Owen*, *George Fitzwater* and *Joſeph Pidgeon*, before they proceed by themſelves or their Aſſigns to take up any Lands in Right of the aforeſaid Purchaſe made of the late Proprietor, by the ſaid Society, ſhall ſettle and adjuſt in the Surveyor Generals-Office in this Province, a true and exact Account of ſuch Lands as have already been ſurveyed and laid out to the ſaid Society, and ſhall pay or give ſufficient Security to the Receiver of the Proprietors Quit-rents, for all ſuch Arrears as are or ſhall be at the Time of ſuch Settlement due upon the ſame. And the Surveyor General of Lands for the Time being, ſhall in Purſuance of the Warrants iſſued by the late Proprietor and directed to the Surveyor General then being, proceed to ſurvey or cauſe to be ſurveyed, to the ſaid *Charles Read*, *Job Goodſon*, *Evan Owen*, *George Fitzwater*, and *Joſeph Pidgeon*, or their Aſſigns the full Remainder of the ſaid Twenty Thouſand Acres, which ſhall appear to be due to the ſaid Society upon ſuch Settlement, according to the eſtabliſhed and uſual Methods, heretofore practiſed for taking up of Lands in this Province and nor otherwiſe.

Paſſed *March* 2, 1722-3. Recorded A. Vol. 2. p. 253.

CCLII. *An* ACT *directing the Proceſs of Summons againſt Freeholders.* Repealed by the King in Council.

Paſſed *March* 30, 1723. Recorded A, Vol. 2. p. 240

CCLIII. *A Supplementary* ACT *to the Act intituled, An Act for emitting and making current* Fifteen Thouſand Pounds *in Bills of Credit.* Obſolete.

Paſſed *March* 30, 1723. Recorded A. Vol. 2. p. 241.

CCLIV. *An additional* ACT *to the Act, intituled,* An Act for laying an Exciſe or Duty on all Wine, Rum, and other Spirits retailed in this Province. *Expired.*

Paſſed *March* 30th, 1723. Recorded A, Vol. 2. p. 242.

CCLV. *An* ACT *for the Encouragement of Trade.* Obſolete.

Paſſed *March* 30*th*, 1723. Recorded A, Vol. 2. p. 243.

CCLVI. *An* ACT *for regulating and eſtabliſhing Fees.* Repealed by an Act paſſed in the 26th. Year of *Geo.* II.

Paſſed *March* 30*th.* 1723. Recorded A, Vol. 2. p. 245.

CCLVII. *A Supplementary* ACT *to an Act, intituled,* An Act, to prevent the Exportation of Flour not merchantable. *Supplied.*

Paſſed *March* 30*th*, 1723 Recorded A, Vol. 2. p. 250.

CCLVIII. *A Supplement to the Act, intituled,* An ACT for the Making good Beer, *&c.*

WHEREAS by an Act of this Province, made in the Eighth Year of the Reign of King *George*, intituled, *An Act for the Making of good Beer, and for the Conſumption of Grain in this Province*, Prohibiting the Uſe of Melaſſes, coarſe Sugar, or Compoſition or Extract of Sugar, Honey, foreign Grains, Guinea Pepper, or any Liquor boiled up to the Conſiſtency of Melaſſes, &c. in the Brewing, Making or Working of any Beer or Ale. And foraſmuch as the good Deſign and Intent of the ſaid Act is or may be fruſtrated and eluded, by the Brewer or his Servant, ſecretly and clandeſtinely Aiding or Aſſiſting in the Uſing of Melaſſes, &c. as aforeſaid, in the the Manner aforeſaid: For Prevention thereof, BE IT ENACTED by Sir WILLIAM KEITH, Batr. Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That every ſuch Brewer by himſelf, Servant, or other Perſon concern-

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ed in the Brewing ſtrong Beer or Ale for Sale, before they are admitted or licenſed, ſhall be qualified by Oath or Affirmation according to Law, That he or ſhe will not directly or indirectly, to his or her Knowledge, Privity or Conſent, uſe any of the ſaid Ingredients in the Making, Brewing, or Working of ſuch Ale or Beer, or put any therein, either before or after the Brewing thereof, under the Pains and Forfeitures mentioned in the ſaid recited Act: Which ſaid Qualification ſhall be taken by all Perſons who ſhall brew ſtrong Ale or Beer for Sale, in the open Seſſions of the Peace within the City or County where they reſpectively follow their Trades, under the Penalty of *Five Pounds*: And the Juſtices of the ſaid Seſſions ſhall cauſe the ſame to be entered of Record, according to the Direction, and under the Penalties of the before recited Act,

An Oath or Affirmation to be taken by Brewers, not to uſe Melaſſes, &c in brewing Beer.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That the Collector of the Exciſe for the Time being ſhall take the Bonds and other Securities to be given by the ſaid Brewers in this and the ſaid recited Act, for the Uſes in the ſaid recited Act mentioned, and demand for the ſame ſuch reaſonable Allowance as in the ſaid recited Act is appointed; any thing in this, or in the ſaid recited Act, to the Contrary hereof in anywiſe notwithſtanding.

Collector of the Exciſe to take their Bonds and Securities,

Paſſed *March* 30th. 1723. Recorded A, Vol. 2. p. 251.

CCLIX. *An* ACT *for eſtabliſhing a Ferry over the River* Schuylkil, *at the End of the High-ſtreet of* Philadelphia.

FOR the greater Conveniency of the Inhabitants on the Weſt Side of the River *Schuylkil*, travelling to and from the City of *Philadelphia*, BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That the Mayor and Commonalty of the ſaid City of *Philadelphia*, may and ſhall, at their own proper Coſt and Charge, within Eighteen Months after the Publication of this Act, make or cauſe to be made a ſufficient Cauſeway and Landing at the End of the ſaid High-Street of *Philadelphia*, on both Sides of the ſaid River, and ſhall keep and maintain the ſame in good Repair, fit for Footmen, Horſes and Carts to paſs and repaſs, and alſo provide and maintain a good ſubſtantial Ferry-Boat or Boats, and capable Ferry-men, who ſhall reſide and dwell on the Weſt Side of *Schuylkil* River, and duly and conſtantly attend the ſame as Occaſion may require.

Mayor and Commonalty to erect a Ferry at the End of Highſtreet.

AND for the Support of the ſaid Ferry, BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Mayor and Commonalty, and their Succeſſors, by their Deputies or Officers, to be appointed for that Purpoſe, ſhall receive and take for Ferriage over the ſaid River, of all Perſons (the Proprietor and Governor and their Attendants only excepted) the ſeveral following Rates, and no more, *That is to ſay.*

For each Perſon, *One Penny.*
For each Horſe, loaded or unloaded, *One Penny.*
For a Coach or Chariot, *One Shilling.*
For a Chaiſe of Four Wheels, *Six Pence.*
For a Chaiſe of Two Wheels, *Four Pence.*
For a Cart or Waggon with their Loading, *One Shilling.*
And without Loading, *Six Pence.*
For a Sled loaded or unloaded, *One Penny.*
Beſides the aforeſaid Rates for each Horſe belonging to, and Perſon accompanying ſuch Coach, Chariot, Chaiſe, Cart or Waggon or Sled.
For every Cow, or other neat Cattle, boated or ſwam, *Three Half-pence.*
For every live Sheep, *One Half-penny.*
And for every live Hog or Swine, *One Penny.*

The Rates of Ferriage.

AND for the better Encouragement of the ſaid Ferry, BE IT FURTHER ENACTED, by the Authority aforeſaid, That no Perſon or Perſons whatſoever ſhall keep or uſe any Boat or Canoe for tranſporting any Perſon or Perſons, Creatures or Carriages, for Hire or Pay, over the ſaid River, in any other Place between thoſe Ferries now called *Roach's* and *Blunſton's* Ferries, on the ſaid River, beſides the Ferry hereby eſtabliſhed, under the Penalty and Forfeiture of *Twenty Pounds*, lawful Money of this Government, for each Offence, to be recovered in any Court of Record of this Province, one Half thereof to the Uſe of the Informer or Proſecutor, who ſhall ſue for the ſame, and the other Half to the Uſe of the Mayor and Commonalty of the ſaid City, wherein no more than one Imparlance ſhall be allowed.

None to keep a Ferry between *Roach's* and *Blunſton's*.

PROVIDED NEVERTHELESS, That nothing herein contained ſhall be deemed or adjudged to annull or make void any Contract made between the ſaid Corporation and any Perſon or Perſons whatſoever, in Relation to the ſaid Ferry, but that the ſaid Contract is hereby declared as good and effectual to all Intents and Purpoſes as before the Enacting of this Law.

Paſſed *March* 30th. 1723. Recorded A, Vol. 2. p. 252.

CCLX. *An* ACT *for the better and more effectual putting in Execution an Act of Aſſembly of this Province, intituled,* An ACT for the Emitting and Making current *Fifteen Thouſand Pounds* in Bills of Credit. Obſolete.

Paſſed *May* 11th. 1723. Recorded A, Vol. 2. p. 275.

At the Court at Kenſington the 5th Day of July, 1726.

PRESENT,

The King's moſt Excellent Majeſty.

Lord A. B. of *Canterbury.*	Earl of *Sutherland,*
Lord Chancellor,	Earl of *Ilay,*
Lord A. B. of *York,*	Lord Viſcount *Townſhend,*
Lord Preſident,	Lord B. of *London,*
Lord Privy-Seal,	Lieut. General of the Ordnance,
Lord Steward,	*Henry Pelham,* Eſq;
Duk of *Queensberry,*	

WHEREAS his Majeſty was pleaſed upon the *thirty-firſt* of *May* laſt, to refer unto the Conſideration of the Lords of the Committee of the Privy-Council, An Act paſt in *Pennſylvania,* the 30th. of *March* 1723. together with a Repreſentation thereupon from the Lords Commiſſioners for Trade and Plantations, propoſing the Repeal of the ſaid Act, intituled, as follows, viz. *An Act directing the Proceſs of Summons againſt Freeholders.* And the Lords of the Committee having reported as their Opinion to his Majeſty, that the ſaid Act ought to be repealed: His Majeſty in Council this Day took the ſame into Conſideration, and purſuant to the Powers reſerved to his Majeſty in the Charter of Propriety granted to *William Penn,* Eſq; is pleaſed to declare his Diſallowance of the ſaid Act, and according to his Majeſty's Pleaſure thereupon expreſt, the ſaid Act is hereby repealed, declared void and of none Effect. Whereof the Deputy-Governor, Council, and Aſſembly of the ſaid Province, and all others whom it may concern, are to take Notice and govern themſelves accordingly.

TEMPLE STANYAN.

Recorded A, Vol. 2 p. 325.

CCLXI. *An* ACT *for the Emitting and Making current* Thirty Thouſand Pounds *in Bills of Credit.* Obſolete. X. Geo. I. A. D. 1723

Paſſed *December 12th.* 1723. Recorded A, Vol. 2. p. 259.

CCLXII. *An* ACT *laying an Exciſe on all Wine, Rum, Brandy, and other Spirits, retailed in this Province.* Supplied.

Paſſed *December 12th.* 1723. Recorded A, Vol. 2. p. 270.

CCLXIII. *An* ACT *for continuing and eſtabliſhing a Ferry over* Neſhaminey *Creek, on the King's High-Road from* Philadelphia *to* Briſtol, *in the County of* Bucks. *Expired,*

Paſſed *May 9th.* 1724, Recorded A, Vol. 2. p. 276.

CCLXIV. *An* ACT *to enable Truſtees to ſell the old Court-Houſe and Priſon belonging to the Bourrough and County of* Cheſter. *Obſolete.*

Paſſed *May 9th.* 1724. Recorded A, Vol. 2. p. 277.

CCLXV. *An* ACT *to improve the Breed of Horſes, and regulate Rangers.*

WHEREAS the Multitude of ſmall-ſized Stone-Horſes, running at large in the Woods, have very much degenerated the Breed of good Horſes, and is found very detrimental to the Inhabitants of this Province, it is thought neceſſary that ſome ſuitable Remedy be provided in that Behalf: We therefore pray that it may be enacted, AND BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennſylvania,* &c. by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That from and after the Publication of this Act, no Stone-Horſe of above Eighteen Months old ſhall be ſuffered to run at large within this Province, unleſs ſuch Horſe be of a comely Proportion, and, by the Judgment of the Taker-up and one other Freeholder in the Neighbourhood where he is taken up, ſhall be full thirteen Hands high, from the Ground to the Withers, reckoning four Inches Standard Meaſure to one Hand.

The Size of Stone Horſes that are ſuffered to run in the Woods.

AND in caſe any Stone-Horſe, otherwiſe than is above deſcribed, ſhall be found looſe and at large in the Woods, it ſhall and may be lawful for any Freeholder to take up and ſecure ſuch Horſe or Horſes, in order to have them cut or gelt by a ſkilful Gelder, on the Riſque of the Owner, or cauſe him or them to be detained until the Owner or Owners of ſuch Horſes (having ſpeedy and convenient Notice thereof) ſhall geld or cut, or cauſe them to be gelt or cut; for which taking-up and gelding the Owner or Owners of

Penalty of ſuffering Horſes of leſſer Size to run in the Woods.

of ſuch Horſe or Horſes ſhall pay to the Perſon ſo taking up, ſecuring and gelding, the Sum of *Ten Shillings*, to be recovered in like Manner before any Juſtice of the Peace as a Debt under *Forty Shillings*,

Proviſo. PROVIDED ALWAYS, That no Perſon ſhall be entituled to the ſaid Sum of *Ten Shillings*, unleſs Proof be made, by one or more credible Witneſs that the Horſe ſo gelt was ſeen well one Month after the Time of gelding.

AND BE IT ENACTED, by the Authority aforeſaid, That if any Stone-Horſe or Horſes ſhall be found at large above the Age aforeſaid, and under fourteen Hands high, it ſhall and may be lawful for any Freeholder to take up ſuch Horſe or Horſes, and with the Aſſiſtance of two other ſufficient Freeholders of the Neighbourhood where ſuch Horſe is taken up, to view the ſaid Horſe or Horſes, and if they ſhall judge ſuch Horſe or Horſes not of comely Proportion or fit to run at large, according to the Intent and Meaning of this Act, then it ſhall be lawful for the ſaid Freeholders to order the ſame to be gelt by ſuch a Perſon as is above directed. And all Perſons whatſoever that are or ſhall be Owner or Owners of ſuch Horſe or Horſes ſo judged and geld't, ſhall pay the like Sum as above allowed, to be recovered in the ſame Manner as is by this Act directed; any Law, Uſage or Cuſtom to the Contrary in anywiſe notwithſtanding.

AND BE IT ENACTED by the Authority aforeſaid, That if any Horſe or Colt ſhall be taken and gelt according to the Direction of this Act, and no Owner can be found in the Space of Twelve-months, that then and in ſuch Caſe it ſhall and may be lawful for ſuch Perſon or Perſons, with the Advice and Conſent of any two Juſtices of the Peace of the County to which they reſpectively belong, to ſell the ſame by publick Vendue for the moſt that can be got, and all and every ſuch Perſon and Perſons are hereby required to pay all the Monies ariſing by ſuch Sales (after the Deduction of all incident Charges allowed by this Act) into the Hands of the County Treaſurer for the Time being, for the Uſe of the County.

No Perſon to range the Woods without Licence. AND BE IT FURTHER ENACTED by the Authority, aforeſaid, That no Perſon, by Colour of Commiſſion, or as common Ranger, ſhall be allowed to range in the Woods or Foreſts after Horſes or Mares, without Licence firſt obtained from the County Court where he lives, under the Penalty of ſuffering as a Horſe-Stealer, for every Horſe or Mare that ſuch unlicenſed Perſon ſhall take up, brand, mark, or diſpoſe of.

Juſtices at the Quarter Seſſions to pay and ſatisfy the Ranger. AND foraſmuch as it will be abſolutely neceſſary for one or more Perſons in the reſpective Counties of this Province, to be licenſed as Rangers in and for each County, who are hereby impowered and required to take up and ſecure all Horſes and Mares for which no Owner can be found, and all ſuch Horſes and Mares (after they have been poſted in three or more publick Places within every County of this Province, at leaſt one Year) to ſell and diſpoſe of in ſuch Manner as is before by this Act directed; which ſaid Licence the Juſtices at their General Quarter-Seſſions of the Peace for the ſaid reſpective Counties, are hereby impowered and required to grant, and make ſuch Allowances to the ſaid Rangers for taking up and ſecuring the Horſes and Mares aforeſaid as they ſhall think fit.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That in caſe any Perſon or Perſons ſhall at any time be ſued for any Thing they do by Virtue of this Act, they may plead the general Iſſue, and give this Act in Evidence.

Paſſed *May* 9, 1724. Recorded A, Vol. 2. p. 278.

CCLXVI. *An* ACT *for the better enabling* John Crato, *Merchant*, Caſpar Wiſtar, *and* Nicholas Gateau, *to trade and to buy and hold Lands in this Province.* Private Act.

Paſſed *May* 9, 1724. Recorded A, Vol. 2. p. 279.

CCLXVII. *An* ACT *preſcribing the Forms of Declaration of Fidelity, Abjuration and Affirmation, inſtead of the Forms heretofore required in ſuch Caſes.*

Preamble. WHEREAS divers Statutes having been made, concerning the Affirmations or Declarations allowed inſtead of Oaths to the People called *Quakers*; but the Inconveniencies to them and others (requiring their Teſtimony and Service in many Caſes) not being ſufficiently avoided, by reaſon of Difficulties which happened relating to the Forms of the Declaration, Affirmation and Abjuration preſcribed by the ſaid Statutes, it pleaſed the King and Parliament of *Great-Britain*, by another Statute (made in the eighth Year of the King's Reign) to grant further Eaſe and Relief in that Behalf by enacting other Forms of Affirmation or Declaration for the ſaid People. Now foraſmuch as the Legiſlature of *Great-Britain*, upon Five-and-twenty Years Experience, were pleaſed to acknowledge in the ſaid Statute of the Eighth of King *George*, that the ſaid People called *Quakers* had given Teſtimony of their Fidelity and Affection to his Majeſty and the Settlement of the Crown in the Proteſtant Line, and had not abuſed the Liberty and Indulgence allowed them by Law; and ſince the like Teſtimony may be given concerning the ſaid People inhabiting this Province, and that thoſe that conſcientiouſly ſcruple the Forms of the Affirmation or Declaration heretofore uſed, are Perſons of like Probity and Juſtice with thoſe who were not under that Scruple, and ſhould be obliged to bear the Burthen of Government, and ſerve their Country as well as their Neighbours, it would be reaſonable to put them in a Capacity ſo to do; may it therefore pleaſe the Governor that it may be enacted, AND BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That in all Caſes where

where by Law any of the said People called *Quakers* is or shall be required or permitted to make and subscribe the Declaration of Fidelity, in the Form prescribed by the Statute made in the first Year of the late King *William* and Queen *Mary*, intituled, *An Act exempting their Majesty's Protestant Subjects, dissenting from the Chuch of* England, *from the Penalties of certain Laws*; or in the Form prescribed by any Law of this Province; or to make the solemn Affirmation or Declaration in the Form prescribed by a Statute made in the seventh and eighth Years of the said late King *William*, intituled, "An Act that the solemn Affirmation and Declaration of the People called *Quakers* shall be accepted instead of an Oath in the usual Form;" or in the Form prescribed by any Law of this Province; or to take the Effect of the Abjuration Oath in the Form prescribed by a Statute made in the first Year of the present King's Reign; every such *Quaker* shall, instead of such first-mentioned Declaration of Fidelity, make and subscribe a Declaration of Fidelity in the following Words, *viz.*

The Quakers Form of Declaration of Fidelity.

I A. B. *do solemnly and sincerely promise and declare, That I will be true and faithful to King* GEORGE; *and do solemnly sincerely and truly profess, testify and declare, that I do from my Heart abhor, detest and renounce, as impious and heretical, that wicked Doctrine and Position, that Princes excommunicated or deprived by the Pope, or any Authority of the See of* Rome, *may be deposed or murthered by their Subjects, or any other whatsoever: And I do declare, that no foreign Prince, Person, Prelate, State or Potentate hath, or ought to have any Power, Jurisdiction, Superiority, Prehemінence or Authority, ecclesiastical or spiritual, within the Realm of* Great-Britain, *or the Dominions thereunto belonging.*

AND instead of the solemn Affirmation or Declaration in the Form prescribed by the said Act of the seventh and eighth Years of the Reign of the late King *William* the Third, and by a Law of this Province, made in the first Year of King *George*, every such *Quaker* shall make the following solemn Declaration or Affirmation, to be administer'd by a Question put as followeth, *viz.*

Of Affirmation.

DOST thou A. B *solemnly, sincerely and truly declare and affirm:*

Adding the proper Words; which the Affirmant is to answer or assent unto, according as the Case or Occasion may require; which said Assent shall be expressed by the Affirmant's answering *Yea* or *Yes.*

AND instead of the Form prescribed by the said Act of the first Year of the present King's Reign, for the Effect of the Abjuration Oath, every such Quaker shall take the Effect thereof in the following Words, *viz.*

Of Recognition for the Effect of the Abjuration Oath.

I A. B. *do solemnly, sincerely and truly acknowledge, profess, testify and declare, that King* GEORGE *is lawful and rightful KING of the Realm of* Great Britain, *and of all other his Dominions and Countries thereunto belonging; and I do solemnly and sincerely declare, That I do believe the Person pretending to be the Prince of* Wales *during the Life of the late King* James, *and since his Decease pretending to be and taking upon himself the Stile and Title of King of* England, *by the Name of* James *the Third; or of* Scotland, *by the Name of* James *the Eighth; or the Stile and Title of King of* Great Britain; *hath not any Right or Title whatsoever to the Crown of the Realm of* Great Britain, *nor any other the Dominions thereunto belonging. And I do renounce and refuse any Allegiance or Obedience to him; and I do solemnly promise, that I will be true and faithful and bear true Allegiance to King* GEORGE, *and to him will be faithful against all traiterous Conspiracies and Attempts whatsoever which shall be made against his Person, Crown and Dignity: And I will do my best Endeavour to disclose and make known to King* GEORGE, *and his Successors, all Treasons and traiterous Conspiracies which I shall know to be made against him, or any of them. And I will be true and faithful to the Succession of the Crown against him the said* James, *and all other Persons whatsoever, as the same is and stands settled by an Act, intituled* An Act declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown to the late Queen *Anne*, and the Heirs of her Body, being Protestants; *and as the same by one other Act entituled,* An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject, *is and stands settled and intail'd after the Decease of the said late Queen, and for Default of Issue of the said late Queen, to the late Princess* Sophia, *Electoress and Dutchess Dowager of* Hanover, *and the Heirs of her Body, being Protestants. And all these Things I do plainly and sincerely acknowledge, promise and declare, according to these express Words, by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation, mental Evasion or secret Reservation whatsoever. And I do make this Recognition, Acknowledgement, Renounciation and Promise heartily, willingly and truly.*

The said Forms to be allowed to Quakers by all Persons.

AND all Persons authorised and required to administer or tender either the said former Declaration of Fidelity, or the said former solemn Affirmation or Declaration, or the former Effect of the Abjuration Oath aforesaid, shall be and are hereby authorised and required to administer and tender the same respectively to the said People called *Quakers*, in the Words by this Act respectively appointed.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That the Declaration of Fidelity, and the Effect of the Abjuration Oath appointed by this Act for the said People called *Quakers*, instead of the respective Forms prescribed for the same by the abovementioned Acts, shall respectively be adjudged and taken to be of such and the same Force and Effect, and no other, to all Intents and Purposes, in all Courts of Justice and elsewhere, as if such *Quaker* had made and subscribed the Declaration of Fidelity, or had taken the Effect of the Abjuration Oath in the respective Forms appointed by the said recited Acts.

AND that the Affirmation or Declaration by this Act appointed to be made instead of the Affirmation

or

or Declaration in Form preſcribed by the ſaid Act of the ſeventh and eighth Years of the Reign of the late King *William* the Third, and inſtead of the Form preſcribed by the ſaid Law of this Province, made in the firſt Year of the preſent King's Reign, ſhall be made by the ſaid People called *Quakers*, as Occaſion may require, whether it be for giving Evidence, or for qualifying the Affirmants to ſerve in General Aſſemblies, or to be Juſtices, Officers, Inqueſts or Jurymen, or for any other Matter, Cauſe or Thing whatſoever, wherein Oaths are or ſhall be required: And that the ſaid Affirmation or Declaration, by this Act preſcribed, ſhall be judged and taken, and is hereby enacted and declared to be of the ſame Force, and as available in Law to all Intents and Purpoſes as an Oath, in all Courts of Juſtice, and other Places where by Law an Oath is required.

And on all Occaſions.

AND if any Perſon making ſuch Affirmation or Declaration, as is appointed by this Act to be made, inſtead of the Affirmation in the Form preſcribed by the aforeſaid Act of the ſeventh and eighth Years of the Reign of the late King *William* the Third, and inſtead of the Form preſcribed by our ſaid Law, made in the firſt Year of King *George*'s Reign, ſhall be lawfully convicted of willful, falſe and corrupt Affirming or Declaring any Matter or Thing which, if ſworn in the common or uſual Form, would have amounted to wilful and corrupt Perjury, every ſuch Perſon ſo offending, ſhall incur and ſuffer ſuch and the ſame Pains, Penalties and Forfeitures, as are inflicted or enacted by the Laws and Statutes of *England*, againſt Perſons convicted of wilful and corrupt Perjury.

Perſons corruptly affirming to ſuffer as Perjurers.

PROVIDED ALWAYS, That nothing herein contained ſhall be deemed to repeal or diſannul the Law of this Province, paſſed in the Fourth Year of the King's Reign that now is, intituled, *An Act for the Advancement of Juſtice, and more certain Adminiſtration thereof*, except ſuch Part thereof concerning which other Proviſion is made by this Act.

PROVIDED ALSO, That this preſent Act ſhall not be put in Execution until the King's Pleaſure be known concerning the ſame.

NEVERTHELESS IT IS HEREBY ENACTED AND DECLARED, That the ſaid Statute made in the eighth Year of the preſent King's Reign, intituled, *An Act for granting the People called* Quakers *ſuch Forms of Affirmation or Declaration as may remove the Difficulties which many of them lie under*, ſhall be duly obſerved and put in Execution in this Province, and be of like Force and Effect as it is in *England*, and as if the ſame were here repeated and enacted.

Paſſed *May* 9th. 1724. Recorded A, Vol. 2. p. 281.

CCLXVIII. *An* ACT *to prevent the Exportation of Bread and Flour not merchantable.* Repealed by 7 *Geo.* II.

XI. Geo. I. A. D. 1724 Paſſed *March* 20th, 1724-5. Recorded A, Vol. 2. p. 380.

CCLXIX. *An* ACT *to enable* Jeremiah Langhorne, William Biles, Joſeph Kirkbride, *jun.* Thomas Watſon, *Practitioner in Phyſick, and* Abraham Chapman, *to build a new Court-Houſe and Priſon in the County of* Bucks.

Preamble.

WHEREAS it hath been repreſented to this Houſe, That the Courts of General Quarter-Seſſions of the Peace, and Common-Pleas for the County of *Bucks*, have of late been held at the Borough of *Briſtol*, in the ſaid County; and that a great Number of the Inhabitants are ſettled many Miles back from that Place, which makes their Attendance at Courts very inconvenient and burthenſome to the People living ſo remote; and that the Townſhip of *Newtown* is near the Center of the inhabited Part of the ſaid County; and if a Court-houſe and Priſon were erected in the ſaid Townſhip, it would be very commodious, and much for the Eaſe of the Inhabitants of the ſaid County in general: May it therefore pleaſe the Governor that it may be enacted, AND BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That it ſhall and may be lawful to and for the ſaid *Jeremiah Langhorne*, *William Biles*, *Joſeph Kirkbride*, *Thomas Watſon*, and *Abraham Chapman*, or any three of them, to purchaſe, and take Aſſurance, to them and their Heirs, of a Piece of Land, ſituate in ſome convenient Place in the ſaid Townſhip of *Newtown*, in Truſt and for the Uſe of the ſaid County; and thereon to erect and build, or cauſe to be erected and built a Court-houſe and Priſon, ſufficient to accomodate the publick Service of the ſaid County, and for the Eaſe and Conveniency of the Inhabitants.

Perſons appointed to buy Land, to build the Court-Houſe, &c.

AND BE IT ENACTED by the Authority aforeſaid, That for the defraying the Charge of Purchaſing the Land, Building and erecting the Court-houſe and Priſon aforeſaid, it ſhall and may be lawful to and for the Commiſſioners and Aſſeſſors of the ſaid County, or a Majority of them, who are hereby required to aſſeſs and levy ſo much Money as the ſaid Truſtees, or any three of them ſhall judge neceſſary for purchaſing the Land and finiſhing the ſaid Court-houſe and Priſon. *Provided always*, the Sum of Money ſo raiſed do not exceed *Three Hundred Pounds* current Money of this Province.

Commiſſioners and Aſſeſſors to levy Money for the ſame. Not exceeding 300 l.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That when the ſaid Court-houſe ſhall be erected as aforeſaid, that from thenceforth the ſeveral Courts of General Quarter-Seſſions of the Peace, and Goal Delivery, and the Courts of Common-Pleas for the ſaid County, ſhall be holden and kept at

The Courts to be kept, and Elections to be made at the ſaid Court-houſe.

at the ſaid Court-houſe, when the ſame is built and erected in the Townſhip of *Newtown* as aforeſaid, and the Election of Repreſentatives to ſerve in General Aſſembly, Aſſeſſors, and all other Officers of the ſaid County who are or ſhall be appointed to be annually elected, or otherwiſe, ſhall be made and elected at the ſaid Court-houſe; any Law, Cuſtom or Uſage to the contrary in anywiſe notwithſtanding.

Paſſed *March* 20*th*, 1724-5. Recorded A, Vol. 2. p. 310.

CCLXX. *An* ACT *for raiſing of County Rates and Levies.*

WHEREAS by the Help and Directions of a Law of this Province, paſſed in the fourth Year of his preſent Majeſty's Reign, intituled, *An Act for the more effectual raiſing of County Rates and Levies*, the Method of thoſe Aſſeſſments are brought to a competent Certainty and Regulation; but in aſmuch as by a Supplementary Act, paſſed in the eighth Year of this Reign, the Number of Commiſſioners appointed by the firſt Act was reduced, and the Manner of their Choice and Succeſſion ſettled, it is now thought convenient that both thoſe Acts ſhould be reduced to one, omitting ſome Clauſes, which at preſent may not be of abſolute Neceſſity to inſert; BE IT THEREFORE ENACTED, by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſame Province, in General Aſſembly met, and by the Authority of the ſame, That the preſent Commiſſioners for putting the ſaid Acts in Execution, together with the Aſſeſſors of the reſpective Counties of *Philadelphia*, *Cheſter* and *Bucks*, now in being, ſhall continue in their ſeveral Places, and execute the Powers and Authorities given and required of them by the ſame Acts, for and during all the Time they were reſpectively appointed to ſerve, according to the Direction of thoſe Acts.

The preſent Commiſſioners and Aſſeſſors to act.

AND in Regard it is intended, that three Commiſſioners ſhall be continued to execute this Act in every County of this Province, and that the eldeſt or firſt choſen of them, ſhall be ſucceſſively changed, by yearly Elections, in each County; IT IS THEREFORE ENACTED by the Authority aforeſaid, That the Freeholders and Inhabitants of the ſaid reſpective Counties, who are, by the Laws of this Province qualified to elect and be elected Members of Aſſembly, ſhall, yearly and every Year, in a peaceable and quiet Manner, meet at the Time and Place appointed for ſuch Elections, or the Day following, unleſs it happened to be that called *Sunday*, and then on the Day next after; whereupon they ſhall chooſe, not only the ſaid Commiſſioners, but alſo Perſons to ſerve in Aſſembly, and to be Sheriffs, Coroners and Aſſeſſors of the ſaid reſpective Counties, in Manner following, *that is to ſay*, All Perſons who, by Virtue of the ſaid Laws, have a Right to vote in ſuch Elections, ſhall deliver in Writing, to the Judges of thoſe Elections reſpectively, in one Piece of Paper, the Names of eight Perſons for whom they vote to ſerve in Aſſembly, in one other Paper the Names of two Perſons for Sheriffs, and two for Coroners; and in another Piece of Paper the Names of one Perſon to be Commiſſioner, and ſix to be Aſſeſſors for each of the ſaid Counties: And when the ſaid Commiſſioners and Aſſeſſors are ſo choſen, the Sheriff of the reſpective Counties ſhall take their Names in Writing, under the Hands and Seals of at leaſt ſix more of the ſaid Freeholders, and certify the ſame to the Juſtices at their general Seſſions of the Peace in each County, next after ſuch Election: Which Return ſhall be entered on Record, by the Juſtices Clerk, in their Seſſions Minute-book. And that the Returns of all the ſaid other Elections, ſhall be made as uſual, according to the Manner and Form preſcribed by the ſaid Laws of this Province relating thereunto.

The Time and Method of electing Members of Aſſembly, &c. and their Returns.

BUT before any of the ſaid Commiſſioners and Aſſeſſors ſo choſen and returned, ſhall take upon them the reſpective Service and Duty by this Act required of them, they ſhall be qualified, *to wit*, the new elected Commiſſioner firſt, and the Aſſeſſors afterwards, by Oath or Affirmation, to the Effect following, *That is to ſay*,

THOU ſhalt well and truly cauſe the County Debts to be ſpeedily adjuſted, and the Rates and Sums of Money by Virtue of this Act impoſed, to be duly and equally aſſeſſed and levied, according to the beſt of thy Skill and Knowledge; and herein thou ſhalt ſpare no Perſon for Favour or Affection, nor grieve any for Hatred or Ill-will.

The Commiſſioners and Aſſeſſors Qualifications.

WHICH Qualification or Engagement, any two or more of the Juſtices of the Peace in the proper County, or City of *Philadelphia*, where ſuch Aſſeſſments are uſually made, ſhall have Power, and are hereby required, under the Penalty of *Five Pounds* a piece, to adminiſter when required: And the ſaid Qualifications ſhall be put in Writing, and ſigned by thoſe that take them, and certified by the Juſtices, and filed by the Clerk of the Seſſions along with the ſaid Sheriff's Return of the Perſons ſo qualified.

By whom to be adminiſtered.

PROVIDED ALWAYS, That when the Inhabitants of any of the ſaid Counties refuſe or neglect to chooſe Commiſſioners and Aſſeſſors according to the Direction of this Act, then and in every ſuch Caſe the Commiſſioners and Aſſeſſors, who officiated the Year next preceeding ſuch Neglect, ſhall continue to officiate in their reſpective Stations until another Election be made, according to the Direction of this Act.

On Neglect to chuſe, the old ones to ſtand.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Commiſſioners and Aſſeſſors, or a Majority of them, as ſoon as conveniently they can, after they are qualified as aforeſaid, ſhall annually meet at the Place where the Quarter-Seſſions and other Courts are uſually held, and then and there, or at ſuch other Times and Places as the ſaid Commiſſioners, or any two of them, may then after appoint, ſhall calculate the Publick Debts and Charges of the ſaid reſpective Counties; allowing all juſt Debts and Demands which now are and hereafter ſhall be chargeable upon the ſaid reſpective Counties and City of *Philadelphia*, and ſhall from time to time adjuſt and ſettle the Sum and Sums of Money which ought of Neceſſity to be raiſed yearly, to pay for Repreſentatives Service in General Aſſemblies, and to defray the Charges of Building and Repairing of Court-Houſes, Priſons, Work-Houſes, Bridges, and

To meet annually, and to calculate the public Debts, &c.

Causeways at the Ends of Bridges, or for destroying Wolves, Foxes and Crows, with such other Uses as may redound to the publick Service and Benefit of the said Counties respectively: And shall also ascertain and set down such competent Sum and Sums of Money as shall be yearly applied towards every of the said Services, together with such Sums as may be needful to make good Deficiencies in County Rates assessed and not yet collected, and to inforce the Collection thereof as Occasion may require.

Commissioners to issue their Precepts to the Constables to bring in Certificates of all Taxables, &c. on Penalty, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Commissioners, or any two of them, in each County, shall, within six Days after their said annual Meetings, issue forth their Precepts, directed to the Constables of every Township, requiring them to bring to the said Assessors, within six Weeks next after the Date of such Precepts, fair and true Certificates in Writing upon their Oaths or Affirmations, of the Names and Sir-Names of all and every the Persons dwelling or residing within the Limits of those Townships or Places with which they shall be charged, and the Names of all Freemen, Inmates, hired Servants, and all other Persons residing or sojourning in every of the said Townships, together with an Account of what Tracts and Parcels of Land and Tenements they respectively hold in such Township; and how many and what Parts of those Tracts are settled, improved or cultivated, and how much of the same Land is sowed with Corn; and how many bound Servants and Negroes, with their Ages; and what Stock of Cattle, Horses, Mares and Sheep they possess, without Concealment, Fear, Malice, Favour or Affection, upon Pain of Forfeiture of any Sum not exceeding *Five Pounds*, to be levied as by this Act is appointed.

3*d.* per Pound for the Constable.

AND every of the said Constables shall, by an Order from one or more of the said Commissioners, have and receive from the Treasurer of the said respective Counties, *Three Pence* by the Pound, for their Care and Trouble in executing and returning the said Precepts in Manner aforesaid.

Assessors to meet at the Return of the Commissioners Precepts.

AND that the Assessors for the said respective Counties, or any four of them, shall meet at the Day and Place where the Commissioner's Precepts are made returnable, and then and there receive the Constables Returns; and shall thereupon, by the Oaths or Affirmations of the said Constables or other credible Persons, or by any other lawful Ways or Means, inform themselves what Persons and Estates in their respective Counties are rateable by Virtue of this Act; and shall forthwith equally and impartially assess themselves, and all others rateable as aforesaid, exempting out of such Assessments all unsettled Tracts or Parcels of Land, *That is to say*, such Tracts of Land as at the Time of the said Assessment making are unseated, altho' the same were formerly accustomed to be rated in Assessments, and having due Regard to such as are poor and have a Charge of Children; and no single Man who at the Time

The Manner of Assessing, and who are rateable, &c.

of Assessment is under Twenty-one Years of Age, or hath not been out of his Servitude or Apprenticeship six Months, shall be rated by this Act; but as to those single Men whose Estates shall not be rated at *Fifty Pounds*, they shall be assessed after the Rate of *Three Shillings* a Head, upon a Tax of *One Penny per Pound*, both for Poor Rates, and City and County Levies.

Proviso.

PROVIDED ALWAYS, That no Assessments of County Rates, to be made by Virtue of this Act in any one Year, shall exceed the Value of *Three Pence* in the Pound, and *Nine Shillings per Head*.

Proviso.

PROVIDED ALSO, That the Proprietary and Governor's proper Estate shall not be liable to be rated or assessed by Virtue of this Act.

Persons who kill Wolves and red Foxes in an inhabit Part of the Country to bring their Heads to a Justice and receive a Reward, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That whensoever any Wolves are killed within the inhabited Parts of this Province, and when red Foxes are killed by any Person or Persons (except Indians) within the said inhabited Parts, he or they who kill such Wolves or Foxes shall bring the Heads of them to some Justice of the Peace for the County where they are killed, who is hereby impowered and required to examine the Parties producing such Heads, or (at the Discretion of the Justice) to charge him or them, upon Oath or Affirmation, to declare where those Wolves or Foxes, whose Heads they so produce, were killed, and by whom; and if it shall clearly appear to the Satisfaction of such Justice that those Heads were severed from Wolves or Foxes so as aforesaid killed, by the Party producing the same, the Justices before whom such Examination is taken shall cause the Tongues and Ears of such Heads to be cut off, and upon Proof made as aforesaid, and not before, shall grant an Order upon the Treasurer of the County where such Wolves or Foxes are killed, reciting therein the Substance of the Proof, and requiring the Treasurer to pay the Party after the Rates herein after appointed for each Head, *That is to say*.

Price for killing Wolves and Foxes.

For every grown Dog or Bitch Wolf, *Fifteen Shillings*.
For every Wolf Puppy or Whelp, *Seven Shillings and Six Pence*.
For every old red Fox, *Two Shillings*, and
For every young red Fox or Whelp, *One Shilling*.

Indian killing of Wolves to have the Benefit of this Act.

PROVIDED NEVERTHELESS, That Wolves Heads brought before a Magistrate by any Indian, to claim the Benefit of this Act, shall be attended with a Certificate, or other Proof of some Person in the Neighbourhood where such Wolf was killed, certifying, under his Hand, that he saw such Head when green,

½*d.* per Head for Crows.

AND whosoever kills any Crows, he may bring them (but not less than six at one Time) to the next Justice of the Peace, who shall see their Bills cut off, and then give the Party that brings them an Order upon the County Treasurer to pay him *Three Pence per Head*, for every such Crow.

Treasurers to enter Sums paid. A Majority of Commissioners to allow Accounts, &c.

AND BE IT FURTHER ENACTED, That all the said respective Sums of Money, with the Names of the Persons to whom payable, and the particular Uses to which they are appropriated, shall be entred in a Book to be kept for that Purpose by the Treasurers of the respective Counties, who are hereby required to provide Books, at their own Charge, wherein they shall make the said Entries accordingly. And that all Accounts of Debts and Demands, justly chargeable upon the said respective Counties, shall be allowed by a Majority of the Commissioners and Assessors of the same Coun-

ties

ties for the Time being, who shall certify such Allowance accordingly, by Indorsement on the Accounts; and shall cause the Names of the Creditors, and the Sums so allowed them, to be entred in a Book, which the said Commissioners shall prepare and keep for that Purpose, at the Charge of the said respective Counties.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Assessors shall, at the Return of the Commissioners Precepts abovementioned, divide the Counties wherein they act into Districts, and appoint some fit Person in every of those Districts to be Collector of the said Assessments from time to time, and shall cause fair Duplicates of the Assessment of each District to be drawn; one Part thereof shall, by the Clerk that writes the same be delivered to one of the said Commissioners of the proper County, and the other Part to the Collector of each District, with Directions from the said Commissioners to every such Collector, indorsed on his Duplicate, or annexed thereunto, requiring him to demand of the Parties the respective Sums of Money wherewith they are chargeable, and acquaint them of the Day of Appeal, which shall be appointed by the said Commissioners within one Month after the said Assessments are made; but where any of the said Collectors cannot meet with the Party of whom Demand is to be made as aforesaid, he or they shall leave Notice in Writing with some of the Family, or at the Place of the Parties last Abode, signifying also the Day of Appeal; at which Day every of the said Collectors shall return their said Duplicates with the Names of such Persons, and Value of such Estates, as shall be concealed, undervalued or omitted in the Constables Return.

Counties to be divided into Districts, and a Collector to be appointed in each.

Notice to be given of the Day of Appeal, &c.

AND if any Person or Persons find him or themselves aggrieved with any of the said Assessments, supposing the same to be unequal, he or they may appeal to the Commissioners of the proper County.

The Party grieved may appeal.

AND the said Commissioners are hereby required to meet on the said Day of Appeal, where the Assessors shall attend, and lay before the Commissioners all the written Certificates of the Names of the Taxables, and the Account of their Estates, returned by the Constables, as this Act requires, together with the particular Valuations set by the Assessors upon the Persons and Estates so returned: Whereupon the Commissioners shall take due Notice thereof, and strictly examine the Persons appealing, upon their Affirmations, or otherwise, concerning the Cause of their Appeal; and upon such Examination, or Proof of others, they are hereby impowered to diminish or add to such Person's Rate or Assessment, as to them shall seem just and reasonable, with Power also to call before them such Persons, and take Notice of such Estates as they find are omitted in the said Assessment, in order to rectify it: And if the Persons so omitted refuse or neglect to appear and give an Account of the Value of their Estate, they shall pay double the Sum they should or ought to have been rated at by this Act.

Commissioners and Assessors to meet on the Day of appeal, & examine those that appeal, &c.

AND the said Commissioners, upon hearing of the said Appeals, shall rectify and adjust the said Assessments, by abating or adding to the Sums contained in their said respective Duplicates, and cause their Clerks to give the Parties concerned, where Omissions are supplied or Additions made to their Assessments, five Days Notice to appear before the Commissioners and make their Objections thereunto: And that the said Clerks shall, within ten Days next after the said Day of Appeal, deliver to the Treasurers of the said respective Counties a true Account of the Sums total which every Collector shall be charged with pursuant to this Act.

Assessments being rectified, to cause their Clerks to give five Days Notice.

Sums total to be delivered to the Treasurer.

AND the said Commissioners shall cause their Clerks to draw fair Duplicates of the Assessments of the said respective Districts so rectify'd as aforesaid, and deliver them to the Collectors of those Districts where they belong, within twenty Days after the said Day of Appeal, with a Warrant annexed thereunto, under the Hand and Seal of one or more of the Commissioners who signed the Assessments, requiring them forthwith to collect and receive from the Persons assessed the several Sums in the said Duplicates respectively mentioned, either in ready Money, Bills of Credit, or in good merchantable Wheat, at Money Price, to be delivered at such Market, Mill or Mills in the said respective Counties, where the Charge of the Portage thereof to *Philadelphia* shall not exceed *Three-pence per* Bushel; and that the Miller's Receipt for the said Wheat being delivered to the respective Collectors by the Persons paying or delivering the same as aforesaid, shall be taken by the said Collectors as Payment from the Person by or from whom the same are delivered as aforesaid.

Duplicates to be delivered to the Collectors.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Collectors shall, once in six Weeks at least, render a just and true Account of, and bring in and pay unto the respective County Treasurers all such Sums of Money and Receipts for Wheat as they shall then have received, and shall pay the Whole and every of the Sums of Money assessed in their respective Duplicates, within three Months next after the said Days of Appeal; and the Treasurers shall give Receipts to the Collectors for what they shall so bring in and pay from time to time; which Receipts shall be the Collector's Discharge for so much.

Collectors to account once in six Weeks, and pay the Whole in 3 Months.

AND that the said Treasurers shall from time to time signify in Writing to the said Commissioners, how much every Collector brings in and pays as aforesaid; and when any of the said Collectors are negligent or refuse to do their Duty in the Premises, the Treasurers are hereby required forthwith to signify the same by Way of Complaint to the Commissioners where such Neglect or Refusal shall happen.

Treasurer to acquaint the Commissioners of the Sums received, and of the Collectors Neglect.

AND BE IT FURTHER ENACTED, That if any Person or Persons so rated or assessed by Virtue of this Act, shall refuse or neglect to pay the Sum or Sums so assessed, in ready Money, Bills of Credit, or Wheat delivered in Lieu thereof in Manner aforesaid, by the Space of thirty Days after Demand made as aforesaid, it shall be lawful for the said Collectors, respectively, by Virtue of a Special Warrant for that Purpose, signed and sealed by two or more of the said Commissioners, who shall forthwith grant the same, and shall thereby impower the said Collectors to call to their Assistance, if Occasion be, any Constable or other Person, and in case of Resistance, to break open in the Day-time any House, Trunk, Box, Chest, Closet, Cupboard, or other Things where any such Offender's Goods and Chattels,

Persons refusing to pay in 30 Days after Demand, the same to be distrained for.

tels, or Effects are ſuppoſed to be, and make Diſtreſs and Sale thereof, rendering the Overplus, if any be, to the Owners, after reaſonable Charges deducted.

For Want of Diſtreſs to take the Bodies.

BUT if no Diſtreſs can be found by the Collector, and the Party refuſes or neglects to ſhew them Goods or Chattles of his own forthwith to ſatisfy the Money then due, with reaſonable Charges, then the Collector ſhall take the Body of every ſuch Perſon, and bring him to the County Goal, and deliver him to the Sheriff or Keeper of the ſaid Goal, who ſhall detain him in ſafe Cuſtody, without Bail or Mainprize, until Payment be made.

If Effects for Part the Delinquent to be impriſoned for the Reſidue.

PROVIDED ALWAYS, That where Effects cannot be found ſufficient to anſwer the whole Sum in Arrear, with Charges as aforeſaid, then Diſtreſs ſhall be made for ſo much as the Effects extend to, and the Party to be impriſoned only for the Reſidue thereof, with incident Charges: All which Charges of Diſtreſs, Aſſiſtance, and bringing to Priſon, ſhall be adjuſted and ſettled by any two or more of the ſaid Commiſſioners, when ſuch Occaſion ſhall happen.

If Collectors neglect to pay to be fined.

AND BE IT FURTHER ENACTED That if upon Complaint of the Treaſurer to the Commiſſioners, it ſhall appear that any of the ſaid Collectors refuſe or neglect to pay the ſaid Sums of Money, or other Effects which he or they ſhall be reſpectively charged to collect, or produce Receipts teſtifying the Payments or Delivery thereof as aforeſaid, and deliver the Money or Receipts for Wheat in the Manner and at the Time by this Act required, retaining ſuch Sums as is hereby allowed for collecting and paying the ſame, then the Commiſſioners of the proper County, or any two of them, ſhall fine every ſuch delinquent Collector in any Sum not exceeding *Ten Pounds*, and appoint others to act in his or their Stead.

Proceſs to iſſue againſt delinquent Collectors] Eſtates.

AND moreover, it ſhall be lawful for the ſaid Commiſſioners of the proper County, or any two of them, and they are hereby required, to meet and iſſue out their Warrants, under their Hands and Seals, directed to the Sheriff or Coroner of the proper County, requiring him to take the Body, and ſeize and ſecure the Eſtate, real and perſonal, belonging to ſuch Delinquent, or which ſhall come into the Hands or Poſſeſſion of his Heirs, Executors or Adminiſtrators, wherever the ſame can be diſcovered or found in this Province, and make Return of his Proceedings therein, at ſuch Time and Place as the Commiſſioners ſhall appoint.

Commiſſioners to appoint a General Meeting, and to iſſue their Precepts, to ſell the ſaid Eſtates, &c.

AND that the ſaid Commiſſioners, who ſhall cauſe the ſaid Lands and Eſtates to be ſeized and ſecured as aforeſaid, ſhall be and are hereby impowered to appoint a Time for a general Meeting of the Commiſſioners of ſuch County, and there to cauſe publick Notice to be given where ſuch Meeting ſhall be appointed, ſix Days at leaſt before ſuch General Meeting; and the Commiſſioners then preſent at ſuch Meeting, or the major Part of them, in caſe the Money detained by ſuch Delinquent be not then paid or ſatisfied, ſhall and are hereby impowered and required to iſſue forth their Warrants or Precepts to the Sheriff or Coroner of the proper County, impowering and requiring him to ſell and diſpoſe of all ſuch Eſtates as ſhall be for the Cauſe aforeſaid ſeized and ſecured, or any Part thereof, and to bring the Money ariſing by ſuch Sale to the Commiſſioners who granted ſuch Warrants, in order to ſatisfy and pay unto the reſpective County Treaſurers for the time being the Sum or Sums that ſhall be ſo unpaid or detained in the Hands of the ſaid Collectors, or other Perſons, their Heirs, Executors or Adminiſtrators reſpectively, with Damages for what ſhall be ſo unpaid, returning the Overplus (if any be) to the Owner, after all neceſſary Charges deducted.

The Title of which ſhall be by Deed from the Sheriff or Coroner.

AND when any Sale of Land, Tenements, or Hereditaments ſhall be made by ſuch Sheriff or Coroner reſpectively, purſuant to this Act, the Title and Conveyance thereof ſhall be by Deed, ſigned, ſealed and delivered by the Sheriff or Coroner to ſuch Perſon or Perſons as ſhall purchaſe the ſame, in Fee-ſimple, or otherwiſe; which ſhall be moſt abſolute and available in Law againſt the ſaid Delinquents, and their Heirs and Aſſigns, and all claiming under them.

Gifts, &c. made after the Money ſhould have been paid are declared to be fraudulent.

AND that all Gifts, Grants and Sales, which ſhall be made by any of the ſaid delinquent Collectors, or other Officers reſpectively, of any of their ſaid Eſtates, after the Time they ſhould have paid the Money or Effects ariſing from the ſaid Aſſeſſments (unleſs the Eſtate ſo ſeized be ſufficient to anſwer what they are in Arrear) are hereby declared to be fraudulent, and ſhall not prevent or avoid the Seizure and Sales hereby appointed to be made thereof as aforeſaid.

Freemen and hired Servants to be taxed, Houſholders to give an Account of their Lodgers, &c. on Penalty, &c.

AND BE IT FURTHER ENACTED, That all Freemen, not being Houſholders, nor having a certain Place of Abode; and all the ſaid hired Servants ſhall be taxed at the Place where they reſide at the Time of the Conſtable's taking their Names as aforeſaid; and that every Houſholder ſhall, at the Requeſt of the ſaid Conſtables of the reſpective Townſhips, Wards or Places, give an Account of the Names, Qualifications and Eſtates of ſuch Perſons as ſhall ſojourn, lodge or dwell in their reſpective Houſes, under the Penalty of *Forty Shillings*, to be levied, charged and paid in Manner aforeſaid.

On Non-payment by Freemen, or Servants, the Collectors may diſtrain upon the Employer, &c.

AND if any ſuch Freeman ſhall not be found at ſuch Place of Reſidence, nor within the ſame Townſhip where their Names are taken as aforeſaid, at the Time when ſuch reſpective Collectors ſhall come to receive ſuch Houſholders Aſſeſſment, then (unleſs ſuch Freemen or Servant hath by himſelf or Friend paid, or unleſs ſuch Houſholders or Employer doth pay the ſame for him upon Demand made thereof by the Collector) it ſhall and may be lawful for every ſuch Collector to make Diſtreſs and Sale of the Houſholder's or Employer's Goods and Chattels for the ſame, rendering the Overplus to the Owner as aforeſaid; and every ſuch Houſholder or Employer ſhall recover the ſame from every ſuch Freeman, with Charges, by Warrant from any Juſtice of the Peace of the proper County, as in Caſe of Debts under *Forty Shillings*.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any of the ſaid Commiſſioners

miſſioners ſhall refuſe or neglect to do his or their Duty in the Premiſes, he or they ſo offending ſhall be fined by a Majority of the Juſtices of the Peace of the proper County for the time being, at their next Quarter-Seſſions after the ſaid Offence is committed, in any Sum not exceeding *Ten Pounds*, for every Offence; which, by Virtue of a Warrant under the Hands and Seals of the ſaid Juſtices, or any two of them, directed to the Sheriff or Coroner of the County where ſuch Offender or his Eſtate is at the Time of iſſuing ſuch Warrant, ſhall be levied by Seizure and Sale of Lands, Diſtreſs and Sale of Goods, or Impriſonment of Body, as the Caſe ſhall require; and from and after ſuch Refuſal or Neglect, or if any of the ſaid Commiſſioners ſhall misbehave themſelves, or happen to die, during the Time for which they are choſen, the other Commiſſioners and Aſſeſſors for the Time being, at their next Meeting, next after ſuch Death, Refuſal, Misbehaviour or Neglect, ſhall, in every ſuch Caſe, appoint others to act in their Stead.

The Commiſſioners on neglect of Duty to be fined &c.

In caſe of Death, &c. new Commiſſioners to be choſen.

AND if any of the ſaid Treaſurers ſhall refuſe or neglect to do his Duty, as by this Act is required, he ſhall be fined by two or more of the Commiſſioners for the County where he is deficient of his Duty, in any Sum not exceeding *Ten Pounds*, for every Offence; which ſhall be levied as aforeſaid, by Virtue of a Warrant under the Hand and Seal of two or more of the ſame Commiſſioners, directed as aforeſaid; and from and after ſuch Refuſal or Neglect, or if any of the ſaid Treaſurers ſhall happen to die, the Commiſſioners of the proper County, ſhall, in every ſuch caſe, appoint others to act in their Stead.

The Treaſurers to be fined by the Commiſſioners.

New Treaſurers to be choſen on Death, &c.

AND if any of the ſaid Aſſeſſors ſhall refuſe or neglect to do their Duty, as this Act requires, the Commiſſioners of the proper County, or any two of them, ſhall fine every ſuch Aſſeſſor, in any Sum not exceeding *Ten Pounds*, which ſhall be levied by one of the ſame Commiſſioners Warrant in Manner aforeſaid.

Aſſeſſors to be fined by Commiſſioners.

ALL which Fines, with all the other Fines and Forfeitures mentioned in this Act, ſhall be levied as aforeſaid, and ſhall be paid and added to the publick Stock of the reſpective Counties where they ſhall happen.

Fines to be paid into the County Stock.

AND the ſaid Commiſſioners ſhall be allowed *Four Shillings and Six Pence* each, for every Days Attendance, beſides *Twelve Pence* for every Precept and Warrant they are to ſign by Direction of this Act; which, with reaſonable Charges to be allowed their Clerks for delivering the Duplicates and other Services, beſides Writing, as the ſaid Commiſſioners in their reſpective Counties (by Order under the Hand of two of them,) ſhall think fit to allow, ſhall be paid by the reſpective County Treaſurers.

The Commiſſioners Allowance.

AND the ſaid Aſſeſſors for their Time and Labour in the Premiſes, ſhall be allowed *Six Pence per Pound* for the whole Sum contained in the Rates of their reſpective Counties, after the Aſſeſſments is rectified and adjuſted by the Commiſſioners according to the Direction of this Act; to be paid by the Treaſurer upon Sight of the Commiſſioners Order for the ſame, and be equally divided amongſt them: Which ſaid Poundage ſhall be to the Aſſeſſors for the time being, in full Satisfaction for all the Service and Attendance required of them by this Act.

The Aſſeſſors Allowance.

AND the ſaid Collectors ſhall retain in their Hands *Twelve Pence per Pound* for all Sums of Money by them reſpectively collected, together with what they ſhall pay the Aſſeſſors as aforeſaid.

The Collectors Allowance.

AND thoſe that officiate as Clerks ſhall, for their Pains in writing the Duplicates, and all Warrants, and Precepts relating to the Premiſes, have and receive as followeth, viz. The Clerk of *Philadelphia*, *Four Pounds*: The Clerk of *Cheſter*, *Four Pounds*: And the Clerk of *Bucks Three Pounds Ten Shillings*: Which the reſpective County Treaſurer is hereby required to pay them accordingly.

The Clerks Allowance.

AND if any of the ſaid Clerks ſhall neglect to do his or their Duty, as by this Act is required, he or they ſhall be fined by the Commiſſioners of the proper County in the Sum of *Ten Pounds* each; to be levied and paid as aforeſaid. And in caſe of Death or Neglect of any of the ſaid Clerks, the Commiſſioners ſhall forthwith appoint others to act in their Stead.

Penalty on the Clerk's neglect of Duty.

PROVIDED ALWAYS, That if any Perſon or Perſons be ſued or proſecuted for any thing done in Purſuance of this Act, he or they may plead the general Iſſue, and give this Act and ſpecial Matter in Evidence for their Juſtification: and if the Plaintiff or Proſecutor become Nonſuit, or forbear Proſecution, or ſuffer Diſcontinuance; or if a Verdict paſs againſt him in ſuch Action, Suit or Information, the Defendant ſhall have treble Coſts, to be recovered as in caſe where Coſts by Law are given to Defendants.

Perſons ſued, &c. to plead this Act &c.

The Plaintiff if caſt, to pay treble Coſts.

PROVIDED ALSO, That no Perſon or Perſons ſhall be ſued or proſecuted for Neglect in the Execution of this Act, unleſs he or they be ſued or proſecuted within twelve Months after ſuch Offence is committed.

Proſecution to be within 12 Months.

PROVIDED ALSO, That no Proceedings preſcribed or required by this Act againſt Collectors, and other Officers and Perſons refuſing or neglecting to comply therewith, ſhall be ſtayed by *Noli proſequi*, or otherwiſe; nor any Fines or Forfeitures ariſing by this Act pardoned or releaſed, without Payment thereof made to the Uſes hereby appointed; any Law or Uſage to the Contrary notwithſtanding,

No Suits to be ſtaied or Fines pardoned.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That the ſaid Commiſſioners and Aſſeſſors of the ſaid reſpective Counties for the time being, or the major Part of them, are hereby impowered and required, as often as there may be Occaſion, during the Continuance of this Act, to chooſe a Treaſurer for each County; which Treaſurers, when ſo choſen as well as the preſent County Treaſurers, and every of them, are hereby impowered and required reſpectively to receive all the Money and other Effects ariſing as well from all the ſaid Aſſeſſments, as alſo the Fines and Forfeitures which ſhall be impoſed from time to time by Virtue of this Act,

Treaſurers to be choſen by the Commiſſioners and Aſſeſſors.

AND that the ſaid reſpective Treaſurers for the time being, before they enter upon the Execution of

their Offices, ſhall become bound to the Commiſſioners of the proper County, with one or more ſufficient Sureties, *to wit*, The Treaſurer of *Philadelphia* County, in an Obligation of *One Thouſand Pounds*,: The Treaſurer of *Cheſter* County, in an Obligation of *Eight Hundred Pounds*: And the Treaſurer of *Bucks* County, in an Obligation of *Four Hundred Pounds*: conditioned for the true Execution of their reſpective Offices and due Obſervation of this Act.

Who are to give Security to the Commiſſioners.

In caſe of Death, &c. the Commiſſioners to appoint others.

AND in caſe of the Death or Removal of any of the ſaid Treaſurers, then the Commiſſioners and Aſſeſſors of the proper County for the time being, or the major Part of them, ſhall appoint others to ſupply the Places of ſuch as ſhall ſo die or be removed, from time to time, who ſhall give Security as above; which ſaid reſpective Treaſurers ſhall give Security in Manner aforeſaid, and ſhall keep a diſtinct Book in each County, containing a particular Account of all the Rates and Aſſeſſments made or to be made as aforeſaid; as alſo of all Diſburſments and Payments made by Order of former Commiſſioners and Aſſeſſors; with ſuch Payments as ſhall hereafter be made by Order of the Commiſſioners by Virtue of this Act.

Treaſurers to keep Books &c.

And ſettle their Accounts yearly.

AND that the Treaſurers ſhall, yearly, at the next Quarter-Seſſions after Midſummer Day, in each County of this Province, bring in and ſettle their reſpective Accounts with the ſaid Commiſſioners and Aſſeſſors, a Majority of whom ſhall give Attendance for that Purpoſe, and ſhall have Power to adjourn from time to time, till the ſaid Accounts are ſettled: And the Treaſurers ſhall be allowed for their Trouble in receiving and paying all ſuch Moneys as ſhall come into their Hands reſpectively by Virtue of this or the other Acts for raiſing County Levies, ſo much as the ſaid Commiſſioners and Aſſeſſors, or the major Part of them, from time to time ſhall judge reaſonable.

Treaſurers Allowance.

Treaſurers removed to deliver up their Accounts, &c. to their Succeſſors, on Penalty, &c.

AND where any County Treaſurers ſhall be removed from their Offices of Treaſurers, they ſhall deliver up to the ſucceeding Treaſurers all the Books, publick Accounts and Papers belonging to thoſe Counties where they acted, whole, intire, and undefaced under the Penalty of *One Hundred Pounds*; to be recovered in Manner and for the Uſes herein above-mentioned. And where any County Treaſurer hath been or ſhall be removed by Death, the Executors or Adminiſtrators of ſuch Decedent ſhall deliver in like Manner all the Books and Papers relating to the ſaid publick Accounts, to the ſucceeding Treaſurers under the ſame Penalties, to be recovered as aforeſaid.

Repeal of former Laws.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Acts *for more effectual raiſing of County Levies*, made in the fourth Year of his preſent Majeſty's Reign, and the ſaid Supplementary Act, made in the eighth Year of the ſame Reign, and all other Acts made for raiſing and collecting Arrears of County Levies, paſſed in the ſeveral Reigns of the late King *William* and Queen *Anne*, and every Article, Clauſe or Thing therein, or in any of them contained, ſhall be and are hereby repealed to all Intents and Purpoſes whatſoever.

Paſſed *March* 20*th*, 1724-25. Recorded A. Vol. 2. p. 311.

CCLXXI. *An* ACT *to regulate the Practice upon Writs of Summons and Arreſt.*

Preamble.

WHEREAS it hath been the earneſt Endeavours of the legiſlative Power of this Government to provide for the Liberty of the Subject, by Regulations of this Kind, without the leaſt Deſign of protecting Mens Eſtates from Payment of their Debts; but ſo far as Juſtice would permit, to maintain the Freedom of their Perſons, according to the ancient common Law of *England*, which ſuffered not the Body, in caſe of Debt, to be detained in Priſon, but be at Liberty to follow his own Affairs and Buſineſs, *&c.* And it ſeems highly juſt that the ſame Reaſon ſhould take Place in this new Colony, where Plantations are to be improved by hard Labour and great Diligence: Therefore may it pleaſe the Governor, that it may be enacted, AND BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That no Freeholder inhabiting in any Part of this Province, who hath reſided therein for the Space of two Years, and has fifty Acres of Land, or more, in Fee ſimple, well ſeated, and twelve Acres thereof, or more, well cleared or improved, or hath a Dwelling Houſe worth *Fifty Pounds*, current Money of *America*, in ſome City or Townſhip within this Province, clear Eſtate, or hath unimproved Land to the Value of *Fifty Pounds* like Money, ſhall be arreſted or detained in Priſon by any Writ of Arreſt, or *Capias ad Reſpondendum*, in any civil Action, unleſs it be in the King's Caſe, or where a Fine is or ſhall be due to the King, his Heirs or Succeſſors; or unleſs they be ſuch Freeholders as by this Act are made liable to be arreſted; but that the original Proceſs againſt Freeholders ſhall be a Writ of Summons, under the Hand and Seal of one of the Juſtices of the Court of Common Pleas for the proper County, directed to the Sheriff or Coroner there, as the Caſe may require commanding to ſummon the Defendant: The Form of which Writ ſhall be as followeth, *viz.*

No Freeholder to be arreſted; and who ſhall be deemed ſuch.

Except in the Kings Caſe, &c.

Proceſs to be by Writ of Summons.

The Form.

GEORGE, *by the Grace of GOD, of* Great-Britain, France *and* Ireland *King, Defender of the Faith, &c. To the Sheriff of the County of* Greeting. *We Command you, That you ſummon ſo that he be and appear before our Juſtices at our Court of Common-Pleas, there to be held at* Day of *next, to anſwer the Complaint of of a Plea, &c.* Witneſs Eſq; *Day of at in the Year of our Reign.*

The Defendant not appearing upon ſuch Summons &c.

The Plaintiff may proceed to Judgment & Execution.

AND if the Defendant in ſuch Writ does not appear at the Day of the Return thereof, but makes Default, and the Officer to whom ſuch Writ was directed, or his lawful Deputy, doth certify to the Court, upon Oath or Affirmation, that on or before the Day of the Return of ſuch Writ he hath ſummoned the Defendant (mentioning the Day he did ſo) or left Notice in Writing of ſuch Summons at the Houſe of the Defendant, in the Preſence of one or more of his Family or Neighbours, ſignifying that

that the Defendant ſhould be and appear according to the Contents of ſuch Summons; upon which Return, if the Defendant has been ſo ſerved ten Days, and the Plaintiff had filed his Declaration in the Office of the Prothonotary within the Space of five Days before the Court to which ſuch Writ is returnable, it ſhall be lawful to and for the Plaintiff in ſuch Action to file a common Appearance for the Defendant ſo making Default, and proceed to Judgment and Execution by *Nihil Dicit*.

PROVIDED ALWAYS, That nothing herein contained ſhall exempt any Perſon from being arreſted, or ſhall debar any Perſon from taking out Writs of Arreſt, if the Plaintiff in every ſuch Writ, or ſomebody for him, doth make appear by Affidavit upon Oath or Affirmation (which the Juſtice that grants ſuch Writ is hereby impowered and required to adminiſter) teſtifying, That the Defendant in the ſame Writ named, hath ſignified his Intentions of going to Sea, or of removing out of this Province, or lurks in ſecret Places, or conceals himſelf in his own or others Houſe; or that the Defendant in ſuch Writs hath refuſed or neglected, upon Demand, to give either real or perſonal Security for the Debt, or refuſed, without Proceſs, to appear and put in ſpecial Bail to the Plaintiff's Action for the Debt or Cauſe for which he complains; or that the Defendant ſuffered himſelf to be arreſted or Judgment to be entred againſt him; or made over his Lands or Chattels to others, or ſuffered them to be attached, and made no proper Defence to ſuch Proceedings; or where the Plaintiff can make appear, from Records or otherwiſe, that ſo much of the Defendant's Eſtate is mortgaged, aliened, intailed, or liable to one or more Judgments ſuffered or ordered to be entred againſt ſuch Defendant, ſo that the Value of his Fee-ſimple Eſtate, in Poſſeſſion, clear of thoſe and all other Incumbrances, will not (as the Deponent believes) be ſufficient to ſatisfy the Debt demanded; or that the Defendant in ſuch Writ hath not been a Reſident in this Province for the Space of two Years, next before the Date of the ſame Writ: In all which Caſes, Writs of Arreſt ſhall be granted, and the Defendant held to ſpecial Bail, if the Caſe requires it; and the Juſtices that grant the ſame ſhall cauſe all the Affidavits they take, as above required, to be filed by the Clerk of the Court where ſuch Writs are returnable.

Sundry Caſes where a Freeholder may be arreſted, and held to ſpecial Bail, &c.

BUT if any Freeholder exempted from Arreſts by Virtue of this Act, ſhall happen to be taken by any Writ of Arreſt, the Court where ſuch Writ is depending ſhall forthwith, upon the Defendant's Motion, ſtay all further Proceedings againſt him till they examine his Circumſtance, and if they find he is ſuch as by this Act is intended to be exempted, the Court ſhall of their own Accord, abate the Writ, and allow the Defendant *Thirty Shillings* Coſt, to be paid by him or them that procured ſuch Writ, and for Non payment thereof the Court ſhall grant an Attachment as in other Caſes where a Rule of Court is not complied with.

Freeholders arreſted within the Intent of this Act, the Writ to abate, and the Defendant allowed Coſts.

AND if any of the Juſtices or Clerks of the ſaid Courts, or Practitioners at Law, ſhall contemn this Act, and wilfully proceed in the Premiſes contrary to the Direction thereof, they ſhall be liable to anſwer, and be fined for the ſame at the Supream-Court of this Province, any Sum not exceeding *Ten Pounds*.

Perſons offending againſt this Act to anſwer at the Supream-Court.

AND BE IT FURTHER ENACTED, That the Act directing the Proceſs of Summons againſt Freeholders, and every Article, Clauſe or Thing therein contained, ſhall be and are hereby repealed to all Intents and Purpoſes whatſoever.

Paſſed *March* 20*th*. 1724-25. Recorded A, Vol. 2. p. 319.

CCLXXII. *An* ACT *for continuing the Bounty upon Hemp*. Expired.

Paſſed *March* 20*th*. 1724-25. Recorded A, Vol. 2. p. 319.

CCLXXIII. *An* ACT *for the better ſecuring the City of* Philadelphia, *from the Danger of Gun-Powder*. Continued by 20 Geo. II, Vol. 2. p. 18.

FORASMUCH as the City of *Philadelphia* is deſtitute of any Magazine, or other ſuitable Repoſitory for the ſafe-keeping of Gun-Powder, which being a Commodity of good Conſideration in the Trade of this Province, the Merchants and Traders are frequently reduced to the Neceſſity of keeping it on Ship board within the Port of the ſaid City, or to depoſite the ſame in the Stores and Shops, too often within the Acceſs of Sailors and Servants, to the manifeſt Danger of the People of the ſaid City in their Perſons and Eſtates: And foraſmuch as *William Chancellor*, of the ſaid City, Sail-maker, by the Recommendation of divers of the Magiſtrates as well as Merchants, and others of the ſaid City, hath undertaken to build a ſuitable Powder-Houſe or Store for the Receipt of all the Gun-Powder which ſhall or may be imported into the ſaid City, on a Piece of Ground he lately purchaſed from *Daniel Pegg*, lying near the North-End of the ſaid City, adjoining to a Swamp on the South-Side, and upon the King's High-Road on the Eaſt End thereof, BE IT THEREFORE ENACTED, by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That the ſaid *William Chancellor*, his Heirs, Executors or Aſſigns ſhall, at his and their proper Coſt and Charges, cauſe to be well erected and built, a good, ſubſtantial, tight and ſecure Powder-Houſe, or Store for Gun-Powder, of Brick or Stone, on the Piece of Ground aforeſaid, within three Months next enſuing the Publication of this Act; to be well boarded and covered, and ſo fit and capacious as may reaſonably be expected will contain all the Gun-Powder to be from time to time imported into the ſaid City: Wherein he the ſaid *William Chancellor*, his Executors and Aſſigns, ſhall lay up and ſtore all the Gun-Powder to be from time to time imported or brought into the ſaid City, which ſhall come to his or their Receipt purſuant to the Direction of this Act; and for which he and they ſhall be accountable to the Owners or Deliverers thereof (Lightning, and other

Preamble.

William Chancellor appointed to build a Powder Store.

And to ſtore all Gun-Powder, and be accountable for the ſame.

other unavoidable Accidents excepted) And ſhall alſo cauſe daily Attendance to be given at the Powder-Store aforeſaid, betwixt the Hours of Nine and Eleven in the Morning, and One and Three in the Afternoon, for Delivering out the ſaid Commodity, and alſo at all Times, on due Notice given, for Receiving thereof, at the neareſt and moſt convenient Landing to the ſaid Lot of Ground; and immediately upon his receiving into his Cuſtody any Quantity of Powder as aforeſaid, he ſhall paſs his Receipts in Writing for the ſame, expreſſing the Quantity of Powder, and deſcribing the Marks and Numbers of the Cask.

No Perſon to keep in their Houſes above 12 lb. of Gun Powder, on Penalty, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Perſon whatſoever within the Precincts of the City of *Philadelphia* aforeſaid, nor within two Miles thereof, ſhall, from and after the Time the Powder-Store aforeſaid is to erected and finiſhed preſume to keep in any Houſe, Shop, Cellar, Store or Place of the ſaid City, nor within two Miles thereof, other than the Powder-Store aforeſaid, any more or greater Quantity, at any one Time, than twelve Pounds of Gun-Powder, under the Penalty of *Ten Pounds*, for every ſuch Offence And whatſoever Maſter, Merchant, or other Perſon trading or bringing into the ſaid Port any Gun-Powder (other than as ſhall be ſpecially licented in that Behalf by the Governor of this Province for the time being, or ſhall be commiſſionated by the King's Majeſty, or other Authority under the Crown of *Great Britain*) ſhall not within the Space of Forty eight Hours from his firſt Arrival and coming to Anchor there, upon due Notice given him of the Purport of this Act by the ſaid *William Chancellor*, or his Aſſigns, or any of his or their Deputies or Servants, deliver all the Powder ſo brought into the ſaid Port as aforeſaid unto the ſaid *William Chancellor*, his Executors or Aſſigns, ſhall forfeit the like Sum of *Ten Pounds*, for every ſuch Offence.

Every Captain, &c ſhall deliver his Powder, on Penalty, &c.

The Price of Storage.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That the ſaid *William Chancellor*, his Executors and Aſſigns, ſhall have and receive for Storage for Gun-Powder, at the Powder-Store aforeſaid, *Twelve Pence per* Barrel *per* Month, and ſo proportionably for Half-Barrells, and other Cask, for the firſt ſix Months; and *Six Pence per* Barrel *per* Month, and ſo proportionaly for Half-Barrels, and other Cask, for every Month any of the ſaid Powder remains in the ſaid Store above ſix Months; and likewiſe ſhall have and receive for every twelve Pounds or leſſer Quantity, to be delivered at one Time, *Six Pence*, over and above the ſaid Storage.

Proviſo.

PROVIDED ALWAYS, NEVERTHELESS, AND BE IT FURTHER ENACTED by the Authority aforeſaid, That what Quantity of Powder for or of the Ship's Store of any Veſſel, ſhall be ſo as aforeſaid delivered to be kept at the ſaid Powder-Store, and ſhall be re-demanded back again in order for its Exportation out of this Province, the ſaid *William Chancellor*, his Executors or Aſſigns, ſhall cauſe the ſame to be re-delivered at the neareſt and moſt convenient Landing to the ſaid Powder-Store, without exacting any other Perquiſite for ſuch Re-delivery than what is herein before allowed for Storage. And if the ſaid *William Chancellor*, his Executors or Aſſigns, ſhall neglect to give due Attendance at the Powder-Houſe aforeſaid, as is herein before directed and appointed, or ſhall take or exact greater or larger Sum or Sums of Money for Storage and Delivery of ſaid Powder than is herein before limited and appointed, he or they ſo offending ſhall (on due Proof thereof made by one or more credible Witneſſes, before any one Juſtice of the Peace of the City or County of *Philadelphia*) forfeit and pay for every ſuch Offence ſuch Sum of Money as the ſaid Juſtice ſhall think fit to award, not exceeding the Sum of *Thirty Shillings*, for any one Offence.

Penalty on not giving Attendance, &c.

How the Penalties are to be recovered and applied.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all and ſingular the Penalties and Forfeitures ariſing by this Act (excepting thoſe under *Forty Shillings* ſhall be recovered in any Court of Record in this Province, by Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law, nor any more than one Imparlance ſhall be allowed; the one Moiety of which Forfeitures and Penalties ſhall go to the Governor, for the Support of this Government, and the other Moiety thereof to the Informer or Proſecutor who ſhall ſue for the ſame.

A Clauſe in a former Law repealed.

This Law to continue 21 Years,

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Clauſe in an Act of Aſſembly of this Province (intituled, *An Act for preventing Accidents that may happen by Fire in the Towns of* Briſtol, *formerly called* Buckingham, Philadelphia, Germantown, Derby, Cheſter, New-Caſtle *and* Lewis, *within this Government.*) enacting that no Perſon within the Town of *Philadelphia*, within ſix Months next following the Publication of the ſame Act, preſume to keep in their Houſes, Shops or Warehouſes, more than ſix Pounds of Gun Powder at one Time, unleſs it be forty Perches diſtant from any Dwelling, under the Penalty of *Ten Pounds*, for every ſuch Offence, is hereby repealed and declared null, void and of none Effect; and that this preſent Act ſhall continue in Force for and during the Term of Twenty-one Years, and no longer.

Paſſed *Auguſt* 14*th*. 1725. Recorded A, Vol. 2. p. 322.

CCLXXIV. *An* ACT *for the better preventing Obſtructions to the Navigation of* Cheſter *Creek, and other navigable Creeks and Rivers in this Province.*

Preamble.

WHEREAS in the Year *One Thouſand Seven Hundred*, it was thought neceſſary, for the better Accommodation of the Borough of *Cheſter*, in the County of *Cheſter*, and the Inhabitants of the lower Parts of the ſaid County, as well as Travellers, that the King's High-Road ſhould be alter'd and brought nearer to the River, to paſs through the ſaid Borough with a Bridge over the ſaid Creek there; and thereupon, in Conſideration of the Owners of Lands, and eſpecially of the Mills ſituate on the ſaid Creek above the ſaid Borough, which had been erected at great Charge, and required the ſame to maintain and ſupport them for the Benefit of Trade, an Act was paſſed in the ſaid Year that the Road ſhould be laid out as aforeſaid through the ſaid Borough, and a Draw-bridge ſhould be there built,

and

and that a Perſon ſhould attend the ſame to draw it up, that Sloops and Shallops might paſs to and from the ſaid Mills; and alſo, that for the Conveniency of Rafts of Logs paſſing to the ſaid Mills the Space of twenty Foot at leaſt ſhould be left clear between the Timber or Stone-Work; which Draw-bridge was accordingly erected, but now is gone to Decay, and requires to be rebuilt or repaired: THEREFORE BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That the Commiſſioners for the time being appointed for the ſaid County of *Cheſter* ſhall cauſe the ſaid Draw-bridge to be rebuilt or repaired within the Space of twelve Months, next after the Publication hereof, according to the Dimenſions in the ſaid recited Act, and from time to time ſhall cauſe it to be continued in Repair for the Accommodation of the ſaid Mills, and of the Owners of Lands, and Inhabitants on the navigable Parts of the ſaid Creek above the Borough aforeſaid, and alſo for the Accommodation of all ſuch Perſons as have Occaſion to paſs and repaſs with any Maſt-Veſſel through the ſaid Bridge; who are hereby obliged carefully to raiſe and lower the ſaid Draw-bridge, ſo as the ſame may receive no Damage thereby, under the Penalty of *Five Shillings* for every Neglect or Offence therein.

Commiſſioners to repair the Draw-Bridge over Cheſter Creek. The Perſon going thro' obliged to raiſe & lower the Bridge, on Penalty, &c.

AND WHEREAS the erecting of Bridges over Creeks or Rivers of Water, to the Obſtruction of their Navigation where navigable, doth not only affect the Intereſt of the Owners of Lands upon and near navigable Waters above thoſe Bridges, but alſo the Trade of this Province in general: And the better to preſerve the Navigation of thoſe Rivers and Creeks, divers Laws of this Province have from time to time been enacted; but the ſame, upon Experience, have been found not fully to anſwer the Ends thereby intended; BE IT THEREFORE FURTHER ENACTED by the Authority aforeſaid, That no Bridge, Frame or Device whatſoever ſhall at any time to come be made, erected, upheld, ſuſtained or repaired, over any Creek or River within this Province navigable for any Sloop, Shallop, Flat or other Craft, that ſhall or may anywiſe ſtop or hinder the Navigation of any ſuch Sloop, Shallop, Flat, or other Craft, or Floats of Logs; any Law, Cuſtom or Uſage to the contrary thereof in anywiſe notwithſtanding.

No Bridge to be built &c. on navigable Creeks, that may hinder Navigation.

PROVIDED ALWAYS, That nothing herein contained ſhall be conſtrued to forbid or hinder the Maintaining and Repairing the Draw-bridge herein before particularly mentioned, or any other Bridge erected by publick Authority; or the making of Dams, Mounds or Tide Banks for the Draining of low Grounds, and improving of Meadows, by the Owners or Owner of the greater Part of the Lands, low Grounds or Meadows included within the ſame Dams, Mounds or Tide-Banks; any thing herein contained to the contrary in anywiſe notwithſtanding.

Except.

Paſſed *Auguſt* 14*th*. 1725. Recorded A, Vol. 2. p. 324.

CCLXXV. *An* ACT *for the Re-emitting and continuing the Currency of ſuch Bills of Credit of this Province as by former Acts are directed to be ſunk and deſtroyed, and for the Striking and Making current* Ten Thouſand Pounds *in new Bills, to ſupply thoſe that are torn and defaced.* Obſolete. XII. Geo. I. 1725.

Paſſed *March* 5*th*, 1725-26. Recorded A, Vol. 2, p. 326.

CCLXXVI *An* ACT *for laying a Duty on Negroes imported into this Province.* Expired.

Paſſed *March* 5*th*, 1725-26. Recorded A, Vol. 2. p. 335.

CCLXXVII *An* ACT *for the better enabling of* Bernhard Vanleer, Arent Haſſert, Michael Smiths, William Seliger, Arnold Bamberger, William Hilligart, *and* Ulrick Hageman, *to trade and hold Lands in this Province.* Private Act.

Paſſed *March* 5*th*, 1725-26. Recorded A, Vol. 2. p. 334.

CCXXLVIII. *An* ACT *for the better Regulating of Negroes in this Province.*

WHEREAS it too often happens, that Negroes commit Felonies, and other heinous Crimes, which by the Laws of this Province, are puniſhable by Death; but the Loſs in ſuch Caſe falling wholly on the Owner, is ſo great a Hardſhip, that ſometimes may induce him to conceal ſuch Crimes, or to convey his Negroe to ſome others Place, and ſo ſuffer him to eſcape Juſtice, to the ill Example of others to commit the like Offences: For Remedy whereof, BE IT ENACTED by Sir WILLIAM KEITH, Batt. Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That if any Negroe, owned by any of the Inhabitants of this Province, ſhall hereafter be convicted of any capital Crime for which he or ſhe ſhall ſuffer Death, the Juſtices, with the Freeholders, before whom he or ſhe ſhall be convicted, ſhall immediately upon ſuch Conviction value ſuch Negroe; which Value by them ſet ſhall be allowed and paid to the Owner out of the Duties, Fines and Penalties ariſing from this and one other Act, laying a Duty on Negroes imported into this Province, and no otherways; and the Provincial-Treaſurer is hereby impowered and required to pay the ſame, by Order under the ſaid Juſtices Hands; which ſaid Order they are hereby required to make, ſeal and deliver to the Owner of any Negroe executed as aforeſaid.

Preamble.

Negroes convicted of capital Offences, to be valued, &c. and the Owner paid.

AND BE IT ENACTED by the Authority aforeſaid, That from and after the Twenty fourth Day of *June, One Thouſand Seven Hundred and Twenty-ſix*, for every Negroe imported or brought into this Province, from the *Weſt-Indies*, or any other Place, who ſhall or have been tranſported or ſent away for being Principal or Acceſſary to any Felony, or grand or Petty-Larceny, or other Miſdemeanors there, ſhall be paid by the Owner, Importer or Poſſeſſor, the Sum of *Five Pounds*, over and above the *Five Pounds* Duty laid by an Act of Aſſembly of this Province, paſſed this Seſſions: Which ſaid Duty ſhall be paid to the Officer appointed to collect and receive the ſaid Duty impoſed by the ſaid recited Act. And all Maſters of Veſſels, or others bringing into this Province any ſuch Negroes, ſhall within the Space of Twenty-four Hours, make Entry, and, upon Oath or Affirmation, give a true Account to the ſaid Collector, of the Number of Negroes by him or them imported or brought in, and to whom they reſpectively belong; whereupon the ſaid Officer ſhall forthwith give Notice thereof, to any one or more of the Juſtices of the Peace for the City or County where ſuch Negroes are or ſhall be imported; which Juſtice or Juſtices are hereby impowered and required immediately, by Warrant or otherwiſe, to call before him or them the ſaid Maſter, Owner or other Perſon or Perſons importing ſuch Negroes as aforeſaid, and to examine him or them upon Oath or Affirmation, in Order to diſcover which or how many of the ſaid Negroes are liable to the ſaid Duty of *Ten Pounds* per Head; and then the ſaid Juſtice or Juſtices ſhall deliver, or cauſe to be delivered to the ſaid Collector, a Certificate or Liſt of the Number of Negroes ſo imported, which ſhall appear to them, or as they ſhall judge to be within the Meaning of this Act; and thereupon the ſaid Officer ſhall proceed to collect and recover the ſaid Duty, or take Bond for the ſame. And all Maſters of Veſſels, and others, bringing into this Province any ſuch Negroes; as likewiſe the ſaid Collector, and all other Perſons, ſhall and are hereby required to obſerve and comply with the Directions of the ſaid Act in and about the Execution of this Part of this Act, and under the ſame Exceptions, Reſtrictions and Penalties as is appointed and ſet down in and by the ſaid recited Act, excepting where the ſame is hereby expreſly altered or ſupplied.

Duty on convict Negroes imported into this Province, &c.

AND WHEREAS 'tis found by Experience, that free Negroes are an idle, ſlothful People: and often prove burthenſome to the Neighbourhood, and afford ill Examples to other Negroes: THEREFORE BE IT ENACTED by the Authority aforeſaid, that if any Maſter or Miſtreſs ſhall diſcharge or ſet free any Negroe, he or ſhe ſhall enter into Recognizance at the reſpective County-Court, with ſufficient Sureties, in the Sum of *Thirty Pounds*, to ſecure and indemnify the City, Townſhip or County where he reſides, from any Charge or Incumbrance they may bring upon the ſame, in caſe ſuch Negroe, by Sickneſs or otherwiſe, be rendered uncapable to ſupport him or herſelf; but until ſuch Recognizance be given, ſuch Negroes ſhall not be deemed free.

Security to be given by the Maſter on ſetting a Negroe free.

AND if any Negroe be made free by the Will or Teſtament of any Perſon deceaſed, then the Executor or Executors of the Deceaſed, or ſome other Perſon, ſhall enter into the like Recognizance as above, immediately upon proving the ſaid Will, or otherwiſe the ſaid Negroe ſhall not be deemed free.

Or by the Executors.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any free Negroe, fit and able to work, ſhall neglect ſo to do, and loiter and miſpend his or her Time, or wander from Place, any two Magiſtrates next adjoining are hereby impowered and required, to bind out to Service ſuch Negroe from Year to Year, as to them ſhall ſeem meet.

Free Negroes, neglecting to work, to be bound out by the Year.

AND if any Negroe be ſet free under the Age of Twenty-one Years, or where there be any Children of free Negroes, it ſhall and may be lawful for the Overſeers of the Poor, and they are hereby ordered, with the Aſſent of two or more Juſtices of the Peace, to bind out to Service ſuch Negroe or Negroes, a Man Child until he comes to the Age of Twenty-four Years, and a Woman Child to the Age of Twenty one.

Free Negroe Children to be bound out, &c,

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any free Negroe or Mulatto ſhall harbour or entertain any Negroe, Indian or Mulatto Slave, or Servant, in his or her Houſe, without the Leave and Conſent of their reſpective Maſter or Miſtreſs, he or ſhe ſhall forfeit and pay the Sum of *Five Shillings*, for the firſt Hour, and *One Shilling* for every Hour afterwards, they ſhall be ſo harboured or entertained.

Penalty on free Negroes entertaining Slaves. &c.

AND if any free Negroe or Mulatto ſhall barter, trade or any ways deal with any Negroe or other Slave, without Licence had as aboveſaid, he or ſhe ſhall make Reſtitution to the Party grieved, and alſo be publickly whipp'd, not exceeding Twenty-one Laſhes.

Alſo on trading with them.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any free Negroe or Mulatto ſhall refuſe or be unable to pay his or her Fine or Forfeiture as aforeſaid, it ſhall and may be lawful to and for the Juſtice before whom ſuch Matter is tried, to order Satisfaction by Servitude.

And not being able to pay the Penalties, Satisfaction to be order'd by Servitude.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Miniſter, Paſtor or Magiſtrate, or other Perſon whatſoever, who according to the Laws of this Province uſually join People in Marriage, ſhall upon any Pretence whatſoever, join in Marriage any Negroe with any white Perſon, on the Penalty of *One Hundred Pounds*.

Penalty on joining White and Black in Marriage.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any white Man or Woman ſhall cohabit or dwell with any Negro, under Pretence of being married, ſuch white Man or Woman ſhall forfeit and pay the Sum of *Thirty Pounds*, or be ſold for a Servant, not exceeding ſeven Years, by the Juſtices of the reſpective County Courts; and the Child or Children of ſuch white Man or Woman ſhall be put out to Service as above directed, until they come to the Age of Thirty-one Years: And if any free Negroe Man or Woman ſhall intermarry with a white Woman or Man, ſuch Negroe ſhall become Slave during Life, to be ſold by Order of the Juſtices of the Quarter-Seſſions of the reſpective County. And if any free Negroe Man or Woman ſhall commit Fornication or Adultery with any white Man or Woman, ſuch Negroe or Negroes ſhall be ſold Servant for ſeven Years as aboveſaid; and the white

on White and Black cohabiting together.

white Man or Woman ſhall be puniſhed as the Law directs in Caſes of Adultery or Fornication.

AND WHEREAS a good Regulation and ſuitable Management of Negroes is very much conducive to the Safety and Peace, as well as Advantage of thoſe Countries which are poſſeſs'd of any Number of them, THEREFORE BE IT ENACTED by the Authority aforeſaid, That if any Negroe ſhall at any time be found tipling or drinking in or near any Houſe or Shop where ſtrong Liquors are ſold, or be found out of or abſent from his Maſter or Miſtreſs's Houſe after nine a Clock at Night, without Licence from his ſaid Maſter or Miſtreſs, ſhall be whipp'd on his or her bare Back, at his Maſter, or Owner's Coſts, not exceeding ten Laſhes, by Order of any Juſtice of the Peace. Puniſhment on Negroes tipling from Home, after Nine at Night.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That whoever ſhall take up any Negroe above ten Miles from his or her Maſter or Miſtreſs's Habitation, who hath not Leave in Writing from his or her ſaid Maſter or Miſtreſs, or are not known to be on their Service, he, ſhe or they ſo taken up ſhall be whipp'd by Order of any Juſtice of the Peace, on the bare Back, at the Owner's Charge, not exceeding ten Laſhes; and the Taker-up ſhall have for his Reward *Five Shillings*, with reaſonable Charge for carrying him or them home, paid by the Maſter or Miſtreſs of the ſaid Negroe. Negroes found ten Miles from home, to be taken up, &c.

AND BE IT ENACTED by the Authority aforeſaid, That no Maſter or Miſtreſs of any Negroe ſhall hereafter, for any Reward, Sum or Sums of Money ſtipulated and agreed upon betwixt them, or upon any other Pretence whatſoever, permit or ſuffer his or their Negroes to ramble about, under Pretence of getting Work, nor give Liberty to their Negroes to ſeek their own Employ, and ſo go to work at their own Wills, under the Penalty of *Twenty Shillings*, for every ſuch Offence. No Owners to permit his Negroe to ſeek his own Employ, on Penalty, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Perſon or Perſons whatſoever ſhall imploy or knowingly harbour, conceal or entertain other People's Slaves at their Houſes, Out-Houſes or Plantations, without the Maſter or Owner's Conſent, excepting in Diſtreſs of Weather, or other extraordinary Occaſion, under the Penalty of *Thirty Shillings*, for every Twenty-four Hours he or ſhe ſhall entertain or harbour him or them as aforeſaid. Penalty on any Perſon's entertaining a Slave.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all the Fines, Forfeitures and Penalties, ariſing by this Act, ſhall go, one Half thereof for and towards the Paying for Negroes executed for capital Offences, according to the Direction of this Act; to be paid into the Hands of the Provincial-Treaſurer, and the other Half thereof to the Proſecutor: And ſhall be recovered in Manner following, *viz.* all thoſe under *Forty Shillings*, as other Debts of the like Value are recovered, and thoſe above *Forty Shillings*, to be recovered in any Court of Record in this Province, by Bill, Plaint or Information, where no more than one Imparlance ſhall be allowed. How the Fines &c. are to be recovered & applied.

Paſſed *March* 5th, 1725-26 Recorded A, Vol. 2. p. 338.

CCLXXIX. *An* ACT *for the better Regulating the Retailers of Liquors near the Iron-Works, and elſewhere.* Expired.

Paſſed *March* 5th. 1725-26. Recorded A, Vol. 2. p. 341.

CCLXXX. *An* ACT *for the more effectual encouraging the Raiſing of good Hemp; and for continuing an Exciſe on all Wine, Rum, Brandy, and other Spirits, retailed within this Province.* Expired. XIII. Geo. I. A. D. 1726.

Paſſed *May* 6th. 1727. Recorded A, Vol. 2. p. 343.

CCLXXXI. *An* ACT *more effectually to prevent unfair Practices in the Packing of Beef and Pork for Exportation.*

WHEREAS an Act was paſſed in this Province, in the Twelfth Year of the Reign of the late King *William* the Third, intituled, *An Act for the Aſcertaining the Dimenſions of Cask, and for the true Packing of Meat for Tranſportation:* AND WHEREAS the Frauds and Abuſes provided againſt and intended to be prevented by the ſaid Act, relating to the Package of Beef and Pork, and the Dimenſions of Cask, are ſtill complained of: For the Preventing whereof, for the Time to come, BE IT ENACTED by the Honourable PATRICK GORDON, Eſq; Lieutenant Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That all tight Cask, made in this Province, for Beef and Pork for Exportation, ſhall be made of good, ſound, well ſeaſoned white Oak Timber, and ſhall contain as follows, *viz*, The Barrel Thirty-one Gallons and a half, Wine-Meaſure, and the Half-Barrel ſixteen Gallons: And every Cooper, reſiding or hereafter to reſide within this Province, ſhall, each one for himſelf, provide and have a diſtinguiſhable Brand-Mark, and ſhall therewith brand each and every tight Barrel and Half-Barrel he ſhall make for containing of Beef or Pork for Exportation: But before any ſuch Cooper ſhall brand any Barrel or Half-Barrel as aforeſaid, he ſhall cauſe ſuch his Brand Mark, together with his Name and Place of Abode, to be entered with the Officer hereafter appointed by this Act; who is hereby required to enter the ſame in a Book provided and kept by him for that Purpoſe, for Entering of which the Officer ſhall have *One Shilling* each, and no more: And every Cooper offending in all or any of the Premiſes, on due Proof made, ſhall forfeit and pay the Sum of *Ten Shillings*, for every ſuch Offence. How much every tight Cask, made for exporting Beef & Pork, ſhall contain; the Cooper to brand his Cask, &c. and enter the Brand and his Name with the Officer, on Penalty, &c.

AND BE IT ENACTED by the Authority aforeſaid, That all Beef and Pork deſigned for Exportation, from

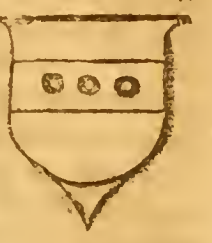
from and after the Twentieth Day of *September*, *One Thouſand Seven Hundred and Twenty-ſeven*, ſhall be ſound and merchantable Meat, well packed and ſecured with Salt and Pickle, and ſhall not have more than two Heads of Pork in one Barrel, nor more than one Head in half a Barrel.

How good Beef & Pork ſhall be packed.

AND BE IT ENACTED by the Authority aforeſaid, That no Merchant or Perſon whatſoever ſhall lade or ſhip any Beef or Pork for Exportation out of this Province, before he ſhall firſt ſubmit the ſame to the View and Examination of the Officer or his Deputy, appointed by the Direction of this Act, who ſhall ſearch the ſame, by opening, unpacking, and repacking, in order to judge of the Soundneſs and true Package of the Meat, as well as the Contents of the Cask; and if the ſaid Officer or his Deputy ſhall find the ſaid Beef or Pork to be merchantable, and the Cask to contain, the Barrel Thirty-one Gallons and a half, Wine Meaſure, and the Half-Barrel ſixteen Gallons, according to the Direction of this Act; he ſhall, after Packing or Re-packing and Heading, brand every ſuch Barrel and Half-Barrel on the Quarter, with a Provincial Brand-Mark, which the ſaid Officer ſhall have and provide for that Purpoſe, ſufficient to impreſs, in a fair and diſtinguiſhable Manner, the Arms of the Province of *Pennſylvania*, as in the Margin.

No Perſon to export Beef and Pork before view'd by the Officer.

The Barrel to be ſtanded.



PROVIDED ALWAYS NEVERTHELESS, That if any Diſpute ſhall happen to ariſe between the ſaid Officer and Poſſeſſor of ſuch Beef or Pork, concerning the Soundneſs or Package of the ſame, or Contents of the Cask, Application being made to one of the Magiſtrates of the City or County where the ſaid Diſpute ariſes, who ſhall iſſue his Warrant to two indifferent judicious Perſons of Skill and Integrity, to view and ſearch the ſaid Beef and Pork, and make Report forthwith according as they find the ſame; and the ſaid Magiſtrate is hereby impowered and required to give Judgment accordingly: And in caſe the ſaid Beef or Pork is judged not fit to be exported, the ſaid Magiſtrate ſhall order it not to be exported, under the Penalty of Forfeiture of all ſuch Beef or Pork; and ſhall alſo award and order the Owner or Poſſeſſor of the ſaid Beef or Pork, to pay the ſaid Officer *Five Shillings per* Cask, for all ſuch Beef or Pork as ſhall be adjudged not fit for Exportation as aforeſaid, with reaſonable Charges. But in caſe the ſaid Beef or Pork, upon Trial ſhall be found good and merchantable, according to the Direction of this Act, the Charges of Proſecution ſhall be paid by the Officer.

On any Diſpute ariſing, how to proceed

AND BE IT ENACTED, by the Authority aforeſaid, That the Officer hereafter appointed, or to be appointed, or his Deputy, ſhall have and receive, for the Viewing, Searching and Packing, Re-packing Heading and Branding of every Barrel of Beef or Pork, *One Shilling and Six-Pence*, and for every Half-Barrel *One Shilling*, and no more; to be paid, one Half by the Buyer or Shipper, and the other Half by the Seller.

The Officers Fees.

AND BE IT ENACTED by the Authority aforeſaid, That the ſaid Officer, or his Deputies, ſhall have full Power and Authority by Virtue of this Act, and without any further or other Warrant, to enter on board any Ship, Sloop or Veſſel whatſoever, lying or being in any Port or Place in this Province, and into any Houſe, Store or Places whatſoever, within the Province aforeſaid, to ſearch for and make Diſcovery of any Beef or Pork ſhipped or intended to be ſhipp'd for Exportation; and if the Owner or Poſſeſſor, or their Servants, or others, ſhall deny him or them Entrance; or if the ſaid Officer or his Deputies ſhall be any ways moleſted in making ſuch Diſcovery as aforeſaid; or if ſuch Merchant or Owner ſhall refuſe to permit the ſaid Officer, or his Deputies to view and examine any Beef or Pork, or not permit him or them to brand the ſame, if merchantable, according to the Direction of this Act, every ſuch Perſon ſo offending ſhall forfeit and pay the Sum of *Ten Pounds*: Or ſhall ſhip off any Cask or Casks of Beef or Pork not branded with the Provincial Brand-Mark aforeſaid, every ſuch Perſon ſo offending ſhall forfeit and pay the Sum of *Ten Shillings* for every Cask ſo ſhipp'd.

His Power and Duty.

AND BE IT ENACTED by the Authority aforeſaid, That *Nathaniel Griffitts*, of *Philadelphia*, Cooper, ſhall be and is hereby appointed the ſaid Officer for Viewing, Searching, Packing or Re-packing and Branding as aforeſaid all Beef and Pork intended for Exportation, according to the Direction of this preſent Act. And if the ſaid *Nathaniel Griffitts*, or other Perſon hereafter appointed to be the Officer aforeſaid, ſhall, by any Accident be rendered uncapable, or neglect to execute the ſaid Office, or ſhall happen to die before or after the Time of putting this preſent Act in Execution, then, and ſo often, and from time to time, it ſhall and may be lawful to and for the Mayor, together with any two Aldermen, of the City of *Philadelphia*, to ſupply his Place by ſome other fit and capable Perſon; who ſhall thereupon be the Officer for putting this Act in Execution until the Aſſembly appoints another.

Who is appointed Officer, and in whoſe Power is it, in caſe of Death, &c. to appoint another.

BUT before the ſaid *Nathaniel Griffitts*, or any other Perſon ſo to be appointed the Officer aforeſaid, ſhall do any thing in the Execution of his Office, he ſhall firſt make Oath or Affirmation before any Juſtice of the Peace of any County of this Province, faithfully and impartially to perform his Duty and Truſt to the beſt of his Capacity, according to the Direction of this preſent Act.

The Officer to make Oath or Affirmation.

AND BE IT ENACTED by the Authority aforeſaid, That the ſaid *Nathaniel Griffitts*, or any other Perſon appointed the Officer aforeſaid, is hereby impowered to appoint Deputies in the reſpective Counties of this Province (for whom he or they ſhall be accountable) which ſaid Deputies are hereby fully impowered to act as Deputy-Officers for the Viewing Searching, Packing and Branding of Beef and Pork in Manner aforeſaid, in their reſpective Counties, to all Intents and Purpoſes, as fully as the ſaid *Nathaniel Griffitts* could do by Virtue of this Act.

And may appoint Deputies.

AND BE IT ENACTED by the Authority aforeſaid, That if any Perſon or Perſons ſhall counterfeit the ſaid Provincial Brand Mark, or impreſs or brand the ſame on any Cask of Beef or Pork, he, ſhe or they being thereof legally convicted, ſhall, for the firſt Offence, forfeit and pay the Sum of *Five Pounds*,

Penalty on counterfeiting the Brand-Mark and uſing the ſame.

for

for the ſecond Offence the Sum of *Ten Pounds*, and for the Third, and every other ſuch Offence, the Offender ſhall be committed to Goal, and ſentenced to the Pillory, there to ſtand the Space of two Hours, on a Market-Day, in any City, Borrough or Town of the reſpective Counties of this Province where the Fact was committed.

The Appropriation of the Fines, and how to be recovered.

AND BE IT ENACTED, by the Authority aforeſaid, That all and ſingulat the Fines, Forfeitures and Penalties in and by this Act ſet and appointed, ſhall be, one Half to the Governor, for the Support of Government, and the other Half thereof to the Informer, or him or them that will ſue for the ſame; if under *Forty Shillings*, to be recovered as Debts under *Forty Shillings* are uſually recovered; if above *Forty Shillings*, to be ſued for and recovered by Bill, Plaint or Information, in any Court of Record within this Province, wherein no Eſſoin, Protection or Wager of Law, nor any more than one Impatlance, ſhall be allowed.

Paſſed *Auguſt* 18*th*. 1727. Recorded A, Vol. 2. p. 345.

CCLXXXII. *A Supplementary* ACT *to the Act for Aſcertaining the Number of Members of Aſſembly, and to regulate Elections.* Repealed by 19. Geo. II. Vol. 2. p. 335.

Paſſed *Auguſt* 18*th*. 1727. Recorded A, Vol. 2. p. 348.

CCLXXXIII. *An* ACT *for eſtabliſhing a Ferry from the City of* Philadelphia, *to the Landing at or near the Houſe of* William Cooper; *and another from or near the City-Bounds, to* Glouceſter *in* New-Jerſey. Expired.

Paſſed *Auguſt* 18*th*. 1727. Recorded A, Vol. 2. p. 349.

CCLXXXIV. *An* ACT *for the Eſtabliſhing of Courts of Judicature in this Province.* Repealed by the King in Council.

Paſſed *Auguſt* 27*th*. 1727. Recorded A, Vol. 2. p. 352.

CCLXXXV. *A* SUPPLEMENT *to the Act for taking Lands in Execution for the Payment of Debts.*

P. 4. and 37.

WHEREAS ſundry Lands, Tenements and Hereditaments have been taken in Execution and ſold purſuant to the Direction of the aboveſaid Act, by ſome Sheriffs in this Province, who have been removed by Death, or otherwiſe, before any Title made or Deeds executed to the Purchaſer for the ſaid Lands or Hereditaments ſo ſold; by Reaſon whereof great Inconveniencies have ariſen both to the Purchaſer and Debtor: For Remedy whereof, and to prevent ſuch Inconveniencies for the future, BE IT ENACTED by the Honourable PATRICK GORDON, Eſq; Lieutenant Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That where the Sheriff, or other proper Officer hath heretofore taken in Execution, and either with or without any Writ of *Venditioni exponas* ſold any Lands or Hereditaments, and hath happened to die or be removed before a Title made or Deeds executed for the ſame, according to the Direction of the ſaid Act; or whenever it ſhall happen hereafter that any Sheriff, or other proper Officer, ſhall, purſuant to the ſaid Act, take in Execution and ſell any Lands or Hereditaments, and ſhall happen to die or be removed from his ſaid Office before the Deeds ſhall be executed or Title made for the ſame to the Purchaſer, then, and ſo often, and upon all ſuch Accidents, the Plaintiff, or Perſon in whoſe Behalf Execution was levied, may apply to the Court of Common-Pleas for the County where Judgment was obtained, and ſet forth to them his Caſe, with the Reaſons why his Title was not duly perfected by the preceeding or former Sheriff; and the ſaid Court may thereupon, as they ſhall ſee Cauſe, and as Juſtice and Equity ſhall require, order and direct the Sheriff for the time being, to compleat any ſuch Title and execute ſuch Deeds as aforeſaid: And upon ſuch Order obtained as aforeſaid, and entered on the Records of the Court, it ſhall and may be lawful to and for the preſent and all ſucceeding Sheriffs and they are hereby impowered and required (upon the full Diſcharge and Payment of the Money or Price of ſuch Lands or Hereditaments, with ſuch Charges as remain unpaid to the former Sheriff) to make execute and delivet any Deed or Deeds duly executed and acknowledged in Court, and to perform and do all other Matters and Things which by the former Sheriff might, could or ought to have been done in and about the Premiſes, according to the Direction of the ſaid recited Act; which ſhall be deemed and adjudged as effectual in Law as if the ſame had been done and finiſhed by the ſaid preceding Sheriff; any Law, Uſage or Cuſtom to the contrary in anywiſe notwithſtanding.

Preamble.

The Sheriff for the Time being ſhall make a Title for Lands ſold by a former Sheriff.

PROVIDED NEVERTHELESS, That this Act, or any thing therein contained, ſhall not extend to diſannul, alter or make void the ſaid recited Act, or any Part thereof: *Save only*, what is herein and hereby expreſſly altered and ſupplied.

Paſſed *Auguſt* 27*th*, 1727. Recorded A. Vol. 2. p. 358.

CCLXXXIV. *An* ACT *for emitting of* Thirty Thouſand *Pounds in Bills of Credit, for the better Support of Government and the Trade of this Province.* Obſolete.

II. Geo. II. A.D. 1728.

Paſſed *May* 10*th*. 1729. Recorded A, Vol. 2. p. 371.

CCLXXXVII. *An* ACT *for Erecting of Pownds in each Township of this Province.*

The Inhabitants of every Township to choose a Pownd keeper: who may agree to erect a Pownd where there is none.

BE IT ENACTED, by the Honourable PATRICK GORDON, Esq; Lieutenant Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Content of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That it shall and may be lawful for the Inhabitants of the respective Townships within this Province, who are Owners or Possessors of Land, to meet on the Twentieth Day of the Month called *May*, unless it happens on the first Day of the Week, then on the next Day after, yearly, or at such other Time as the Majority of those that meet may appoint, at the most publick Place of each respective Township, in every County within this Province, and there the Majority of those so met shall choose a fit Person to be Pownd-keeper, in each Township for the Year ensuing; which Pownd-keeper, where no Pownd is already erected, shall agree with some Person forthwith, to build or erect a good and sufficient Pownd, in some fit and convenient Place within the said Township, where the same shall be agreed upon by the Majority of the Persons aforesaid, being then present: A Memorandum or Minute of which Appointment shall be taken and kept by the Constable of the said respective Townships, and returned to the next County Court to be held for the County in which the said respective Townships do lie; the Clerk of which County Court shall enter the same among the Proceedings of the said Court, and shall forthwith affix publick Notice in Writing, on the Door of the Court-House, of the Name of each respective Pownd-keeper, and the Places where the same are erected.

Publick Notice to be given where the Pownd is erected.

Creatures trespassing to be delivered to the Pownd-keeper.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That whoever shall take up any stray Horse or Horses, Cattle or Sheep trespassing within their Inclosures, within this Province, shall, within the Space of Twenty-four Hours after such taking-up, give Notice to the Owner or Owners of such Horse, Cattle, &c, if he or she can be readily found, and if the Owner shall, upon such Notice, neglect or refuse to make reasonable Satisfaction to the Party grieved, as by them shall be agreed upon, or if no Owner be found, then the said Taker-up shall take or send such trespassing Creature or Creatures to the Pownd-keeper of the Township where the Trespass was committed, who shall receive the same immediately into his Custody, and shall feed them duly with Grass or good Hay and Water, during the Time of their Continuance in the Pownd; and shall pay to the Party grieved such Damages as shall be assessed by any two indifferent Neighbours living near to the Place where the Trespass was committed, to be nominated by the said Pownd-keeper.

His Duty.

To give publick Notice within ten Days.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That after any Horses, Cattle or Sheep shall be delivered to any Pownd-keeper, he shall forthwith enter the Kind, Colour and Marks of such Creatures in a Book, by him to be kept for that Purpose, together with the Day of his Receiving the same, and from whom he received them, and thereupon shall, within ten Days send an Account in Writing to the Clerk of the County Court, where such Township lies, who shall affix the Notice in publick View in his Office; and the Pownd-keeper shall also affix Notice in Writing at the Court-House of the same County, of the Kind of Creatures so impownded, together with their Marks described at large, to the End that the Owners of such trespassing Creatures may the more readily be informed of and restored to their Property: And if the Owner appear and make out his Right to the said Creatures, the same shall forthwith be delivered to him, he paying to the Pownd-keeper the Sum of *One Shilling* for taking in and delivering out each Creature, together with the Damages paid to the Taker up of such Trespassing Creatures, and the Sum of *Six Pence* a Head for Horses or horned Beasts, for each Day, and *One Penny* a Head for Sheep, for each Day, Charges allowed by this Act for Feeding the said Creatures and Publishing their Kind and Marks, in the Manner herein directed; and also the Sum of *Six Pence* to the Use of the Clerk of the County Court, for Entring and Filing the Certificate of the Pownd keeper. And if no Owner shall appear to claim the Creatures so impownded, within the Space of three Months after impownding, it shall and may be lawful to and for the said Pownd-keeper, by Warrant from one Justice of the Peace of the said County, who is hereby required to grant the same, to expose such trespassing Creatures to Sale by publick Vendue, for the most that can be got for the same, after ten Days publick Notice given of the Time and Place of Sale; and, out of the Money arising by such Sale, the said Pownd-keeper shall and may retain to himself for publishing and booking each Horse *Two Shillings*, for each horned Beast *One Shilling and Six Pence*, and for each Sheep *Nine Pence*; and likewise all such Monies as he hath paid to the Taker-up of such trespassing Creatures on Account of his Damages, or other Charges allowed by this Act: And shall likewise retain to himself the Sum of *Six Pence* for every Day he shall keep such trespassing Creatures in the Pownd, if the same be a Horse or horned Beast, and *One Penny* each Day for each Sheep. And the said Pownd-keeper shall moreover be allowed the Sum of *Ten per Cent*, on all Sales made by him according to the Directions of this Act, and shall keep a plain Account of all his Proceedings, and return the same, together with the Overplus Money, (if any be remaining) to the Justices, at their next County Court, to be held for the said County, who shall order the same to be paid to the Overseers of the Poor of the Township where the Creature was impownded, for the Use of the same Township, after the Costs paid to the Clerk for his Service therein.

What Rates shall be taken by the Pownd-keeper.

No Owner appearing within 6 Months the Creatures may be sold, and the Pownd keeper retain his Rates.

the Overplus Money to go to the Overseers of the Poor.

The Owner appearing, within nine Months, Repayment may be order'd.

PROVIDED ALSO, That if the right Owner of any Beast sold as aforesaid, appear within Nine Months after Sale made as aforesaid, and prove his Property to any such Creature sold in Pursuance of this Act before the Justices of the Peace of said County, at the next Court, they shall thereupon order Repayment of the Money arising by such Sale to the said Owner, all reasonable Charges first deducted.

Forfeiture on taking away a Creature impownded.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons shall, by Force or otherwise, without the Leave of the Pownd-keeper, or by due Order of Law, take away any trespassing Creature impownded according to the Directions of this Act, and shall be legally thereof convict

convict he, she or they shall forfeit the Sum of *Five Pounds*, to be applied to the Use of the Poor of that Township, in which the said Creature was impownded. And that it shall and may be lawful for the Overseers of the Poor of the respective Townships within this Province and they are hereby injoined and required, to assess the Inhabitants of the respective Townships in the same Manner as they are directed by the Act for the Relief of the Poor, for such Sum or Sums of Money as may or shall be necessary for supplying the Charge of building and maintaining the said respective Pownds, and to collect the same, to be imployed as shall be directed by the Majority of the Freeholders of the respective Townships at their Town-Meetings, for and towards the building and maintaining of Pownds, and no other Use whatsoever: And if any Person or Persons shall refuse to pay their respective Rates as taxed, that then the said Overseers shall make Complaint thereof to any one Justice within the said County where he resides, who is hereby required forthwith to issue out his Warrant to the Overseers of the Poor of the Township where such Default is made, to make Distress upon the Offender's Goods and Chatrels, who shall immediately make Sale thereof, for paying the said Assessment and Charges of Distress, and return the Overplus (if any be) to the Owner.

Overseers of the Poor to assess Money on the Inhabitants for building a Pownd.

Persons refusing to pay, Distress may be made on their Goods, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That to prevent Disputes about the Sufficiency of Fences, all Fences shall be esteemed lawful or sufficient, though they be not close at the Bottom, so that the Distance from the Ground to the Bottom thereof exceed not nine Inches, and that they be four Feet and a half high, and not under.

The Height of lawful Fences.

AND BE IT LIKEWISE ENACTED, That the former Act made for erecting Pownds, passed in the seventh Year of the late King *George* the First, and every Part thereof, shall be made void and repealed by this Act; any thing in the said former Act contained to the contrary in anywise notwithstanding.

The former Act relating to Pownds repealed.

Passed *May* 10*th*, 1729. Recorded A, Vol. 2. p. 359.

CCLXXXVIII. *An* Supplement *to that Part of the Act for raising County Rates and Levies, relating to the Killing of Wolves.*

P. 102.

WHEREAS by a Paragraph in an Act of General Assembly of this Province, intituled, *An Act for raising County Rates and Levies*, it is provided and enacted, That there shall be paid for every Dog or Bitch Wolf *Fifteen Shillings*, for every Wolf Puppy or Whelp *Seven Shillings and Six Pence*, killed within the inhabited Parts of this Province, according to the Directions of the said Act: BUT WHEREAS it is found by Experience, that a greater Encouragement for killing Wolves would much better answer the Intent of the said Law, and be of greater Service to the Inhabitants of this Province: BE IT ENACTED That there shall be paid for all Wolves killed in the Manner directed and prescribed by the aforesaid Act of Assembly, the further Sum of *Five Shillings* for every grown Dog or Bitch Wolf, and the further Sum of *Two Shillings and Six Pence*, for every Wolf Puppy or Whelp, killed after the Publication of this Act, over and above the Allowance mentioned in the said County-Levy Act, to be paid upon such Proof made, and in the Manner therein directed.

Reward for killing Wolves.

Passed *May* 10*th*, 1729. Recorded A, Vol. 2. p. 361.

CCLXXXIX. *An* Supplement *to the Act, intituled,* An Act to prevent Swine running at large.

P. 42.

WHEREAS by the said Act the Relief provided for Persons suffering by Hogs trespassing in their Fields or Inclosures, is limited to the Extent of fourteen Miles from the navigable Parts of the River *Delaware:* Now, forasmuch as the Country is become more populous, and it appears necessary to provide the same Remedy for the Inhabitants living in the other Parts of this Province: THEREFORE BE IT ENACTED, &c. That the same Penalties, Rules and Orders enacted and directed to be observed by the aforesaid Act, within fourteen Miles of the navigable Parts of *Delaware* River, shall, within one Month after the Publication hereof, be in Force, and extended throughout the Province of *Pennsylvania*, as fully and amply as if the same Act were again herein repeated and enacted; any Limitation in the aforesaid Act, for preventing Swine running at large, to the contrary in anywise notwithstanding.

Passed *May* 10*th*, 1729. Recorded A, Vol. 2. p. 361.

CCXC. *An* ACT *for laying a Duty on Negroes imported into this Province.* Repealed by Act of Assembly 1 Geo. 3.

Passed *May* 10*th*, 1729. Recorded A, Vol. 2. p. 362.

CCXCI. *An* ACT *for continuing and establishing a Ferry from the Landing-Place of* Joseph Kirkbride, *over* Delaware *River, at the Falls.* Expired.

Passed *May* 10*th*, 1729. Recorded A, Vol. 2, p. 365.

CCXCII. *An* ACT *for Erecting the Upper Parts of the Province of* Pennsylvania, *lying towards* Susquehannah, Conestogoe, Dunnegal, *&c. into a County.*

WHEREAS a great Number of the Inhabitants of the Upper Parts of *Chester* County, have, by their Petition, humbly represented to the Governor and Assembly of this Province, the great Hardships they lie under by being at so great a Distance from the Town of *Chester*, where the Courts of Justice are held, and the publick Offices kept; and how hard and difficult it is for the sober and quiet

Preamble.

quiet Inhabitants of that Part of the County to ſecure themſelves againſt the Theſts and Abuſes almoſt daily committed upon them by idle and diſſolute Perſons, who reſort to the remote Parts of the Province, and by Reaſon of the great Diſtance from a Court or Priſon do frequently find Means of making their Eſcape: For the Removing which Inconveniency, and Relief of the ſaid Inhabitants, BE IT ENACTED by the Honourable PATRICK GORDON, Eſq; Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That all and ſingular the Lands within the Province of *Pennſylvania*, lying to the Northward of *Octoraroe* Creek, and to the Weſtward of a Line of marked Trees, running from the North Branch of the ſaid *Octoraroe* Creek, Northeaſterly to the River *Schuylkil*, be erected into a County, and the ſame is hereby erected into a County, named, and from henceforth to be called *Lancaſter* County; and the ſaid *Octoraroe* Creek, the Line of marked Trees, and the River *Schuylkil* aforeſaid, ſhall be the boundary Line or Diviſion between the ſaid County and the Counties of *Cheſter* and *Philadelphia*.

Boundaries of the County of LANCASTER.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid County of *Lancaſter* ſhall have and enjoy all and ſingular the Juriſdictions, Powers, Rights, Liberties, Privileges and Immunities whatſoever which any other County within the Province of *Pennſylvania* doth, may or ought to enjoy by any Charter of Privileges, or the Laws of this Province, or by any other Ways or Means whatſoever, excepting only in the Number of Repreſentatives to ſerve in the General Aſſembly of this Province, in which Caſe, IT IS HEREBY PROVIDED AND ENACTED by the Authority aforeſaid, That until it ſhall be otherwiſe ordered by the Governor and Aſſembly of this Province, the Freemen and Inhabitants of the ſaid County, qualified by the Laws of this Province to elect, ſhall annually meet at or near the Court-Houſe of the ſaid County, at the ſame Time the other Counties of this Province ſhall meet for ſuch like Purpoſe, or at ſuch Place where the Courts ſhall be held until ſuch Court-Houſe ſhall be erected, and there proceed to chooſe Inſpectors, and to elect four Repreſentatives or Delegates to ſerve them in Aſſembly, in the ſame Manner as by the ſaid Charter and Laws of this Province is directed: Which ſaid four Repreſentatives, when ſo choſen, ſhall be Members of the General Aſſembly of *Pennſylvania*, and ſit and act as ſuch, as fully and freely as any of the Repreſentatives for the other Counties within this Province do, may, can or ought to do.

The Inhabitants therof to elect 4 Repreſentatives &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all Taxes already laid within the Bounds of the ſaid County of *Lancaſter* by an Act of General Aſſembly of this Province, which are not already paid, ſhall be collected by the reſpective Collectors within the Bounds aforeſaid, and paid into the Hands of the Treaſurer of *Cheſter* County: and that all Perſons concerned in the Levying, Receiving and Paying the ſaid Taxes, ſhall have the ſame Power and Authority, and be under the ſame Penalties and Reſtrictions for the Collecting and Paying the ſame, as by the ſaid Acts by which the ſaid Taxes were aſſeſſed are expreſſed and directed, until the Whole be collected and paid as aforeſaid.

Taxes already laid in the ſaid County, are to be collected, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſeveral Courts of General Quarter-Seſſions of the Peace and Goal-Delivery and the Courts of Common-Pleas for the ſaid County of *Lancaſter*, ſhall be holden and kept on the firſt *Tueſday* in the Months of *February*, *May*, *Auguſt* and *November*, in every Year, at ſome proper Place within the ſaid County, until a convenient Court-Houſe ſhall be built; and when the ſame is built and erected in the County aforeſaid, the ſaid ſeveral Courts ſhall then be holden and kept at the ſaid Court-Houſe, on the Days before mentioned: And the Election of Repreſentatives to ſerve in General Aſſembly, Aſſeſſors, and all other Officers of the ſaid County who are or ſhall be appointed to be annually elected, ſhall be made and elected at or near the ſaid Court-Houſe, at the ſame Time and in the ſame Manner as by the Charter of Privileges and Laws of the Province of *Pennſylvania*, is directed to be done in the other Counties of this Province. And it ſhall be lawful for the Freemen of the ſaid County, for the firſt Year, to chooſe three Perſons for Commiſſioners for raiſing County-Rates and Levies for the ſaid County.

Courts when to be held for the ſaid County.

Elections.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That it ſhall and may be lawful to and for *Caleb Pierce*, *John Wright*, *Thomas Edwards* and *James Mitchel*, or any three of them to purchaſe and take Aſſurance to them and their Heirs, of a Piece of Land ſituate in ſome convenient Place in the ſaid County, to be approved of by the Governor, in Truſt and for the Uſe of the ſaid County, and thereon to erect and build, or cauſe to be erected and built a Court-Houſe and Priſon, ſufficient to accommodate the publick Service of the ſaid County, for the Eaſe and Conveniency of the Inhabitants.

Truſtees appointed to purchaſe Land for building a Court Houſe and Priſon

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That for the Defraying the Charges of Purchaſing the Land, building and erecting the Court-Houſe and Priſon aforeſaid, it ſhall and may be lawful to and for the Commiſſioners and Aſſeſſors of the ſaid County, or a Majority of them, who are hereby required to aſſeſs and levy ſo much Money as the Truſtees, or any three of them, ſhall judge neceſſary for purchaſing the Land and finiſhing the ſaid Court-Houſe and Priſon.

The Charge whereof to be defrayed by an Aſſeſſment on the Inhabitants.

PROVIDED ALWAYS, The Sum of Money ſo raiſed do not exceed *Three Hundred Pounds* current Money of the Province.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Action or Suit, now commenced or depending in the County of *Cheſter*, againſt any Perſon living within the Bounds of the ſaid County of *Lancaſter*, ſhall be ſtaid or diſcontinued by this Act, or by any thing herein contained, but that the ſame Actions already commenced or depending may be proſecuted, and Judgment

No Action now depending in *Cheſter*, County againſt any Inhabitants of *Lancaſter*, to be diſcontinued.

ment thereupon rendered as if this Act had not been made: And that it shall and may be lawful for the Justices of *Chester* County to issue any judicial Process, to be directed to the Sheriff of *Lancaster* County, for carrying on and obtaining the Effect of their Suits; which Sheriff shall be obliged to yield Obedience in executing of the said Writs, and make due Return before the Justices of the Court of the said County of *Chester*, as if the Parties had been living and residing within the same.

Passed *May* 10*th*. 1729. Recorded A, Vol. 2. p. 366.

CCXCIII. *An* ACT *laying a Duty on Foreigners, and* Irish *Servants, imported into this Province.* Repealed, 3 *Geo.* II.

Passed *May* 10*th*. 1729. Recorded A, Vol. 2. p. 368.

CCXCIV. *An* ACT *for regulating Pedlars, Vendues, &c.*

III. Geo. II. A. D. 1729.

WHEREAS of late many idle and vagrant Persons are come into this Province, and under Pretence of being Hawkers or Pedlars, and carrying Goods from House to House within this Province to sell, have greatly imposed upon many People, as well in the Quality as in the Price of the Goods, and under Colour of selling their Wares and Merchandizes, have entred into the Houses of many honest and sober People in the Absence of the Owner or Owners of the said Houses, and committed Felonies and other Misdemeanors, to the great Prejudice of the Inhabitants of this Province: For remedying of which Inconveniencies, and preventing such evil Practices, and to the Intent that no Persons may be admitted to follow the Business of Hawkers or Pedlars within this Province, but Persons of known Honesty and civil Behaviour, BE IT ENACTED by the Honourable PATRICK GORDON, Esq; Lieutenant Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Representatives of the Freemen of the Province aforesaid, in General Assembly met, and by the Authority of the same, That after the *Twenty-fifth* Day of *March* next, no Person or Persons whatsoever, shall follow, or employ him, her or themselves, in the Business or Employment of a Hawker, Pedlar or Petty-chapman, or in going from Town to Town, or to other Men's Houses, and travelling with Horse or Horses, Ass or Asses, Mule or Mules, or otherwise, within the Province of *Pennsylvania*, (except as herein after is excepted) or carry to sell or expose to Sale any Goods, Wares or Merchandizes within the Province aforesaid, until such Person or Persons shall have obtained a Recommendation from the Justices of the County Court where he or she dwells, certifying their Opinion of the Honesty of the Person recommended, and that he or she is a Liver within this Province, and intends to travel with one, two or more Horse or Horses or other Beasts of Burthen, or on Foot, and shall thereupon have obtained a Licence from the Governor, and shall have given Bond in the Prothonotary's Office of the said County-Court, in his Majesty's Name, with one Surety at least, in any Sum not exceeding *Forty Pounds*; conditioned that such Person or Persons shall be of good Behaviour during the Continuance of the said Licence, and shall well and duly satisfy and pay all such Taxes and Duties as shall be legally assessed upon him, her or them, within the said County where he, she or they shall obtain the said Recommendation; for which Licence there shall be paid to the Governor the Sum of *Twenty-five Shillings*, by every Person obtaining a Licence to travel with a Horse, Ass, Mule, or other Beast of Burthen; and the Sum of *Fifteen Shillings* for every Person licensed to travel on Foot.

No Person to follow the Business of Pedling, without Licence.

AND if any Person or Persons, not being qualified as aforesaid, shall be found hawking, pedling, or travelling from House to House to sell Goods as a Hawker, Pedlar, or Petty chapman, he or she so offending, if travelling with one or more Horses, shall forfeit the Sum of *Fifteen Pounds*; and if travelling on Foot, shall forfeit the Sum of *Ten Pounds*; one Moiety thereof to the Governor for the Support of Government; and the other Moiety to any Person who will sue for the same by any Action of Debt, Bill, Plaint or Information, in any Court of Record within this Province, wherein no Essoin, Protection or Wager of Law, nor more than one Imparlance shall be allowed. And that every Person so trading, who upon demand made by any Justice of the Peace, Mayor, Constable or other Officer of the Peace of any Town, Place or County within this Province, where he or she shall so trade, shall refuse to produce and shew unto such Justice or Officer of the Peace, his or her Licence for so trading, to be granted as aforesaid, that then the Person so refusing, shall forfeit *Forty Shillings* to be recovered in Manner aforesaid; and for Non-payment thereof, shall suffer as a common Vagrant,

Penalty on Persons not qualified, that shall be found travelling as Pedlars, &c.

PROVIDED ALWAYS, And it is hereby further Enacted, That nothing herein contained shall extend or be construed to extend to hinder any Person or Persons from selling or exposing to Sale any Sort of Goods or Merchandizes in any publick Market or Fair within this Province, or to hinder any Persons from carrying about from Town to Town, and from House to House, any Goods, Wares or Merchandizes being of the Growth, Product or Manufacture of this Province; but that such Person or Persons may do therein as they lawfully might have done before the making of this Act; any thing herein contained to the contrary notwithstanding.

Product or Manufacture of this Province may be sold, as before this Act.

AND BE IT HEREBY FURTHER ENACTED, That if any Dispute shall happen to arise concerning the said Goods, Wares or Merchandizes, the Person or Persons, so carrying about or exposing the same to Sale in Manner aforesaid, shall be obliged to declare upon Oath or Affirmation, before any Justice of the Peace, or other Magistrate of the County, Town or Place where he, she or they shall carry about or offer the same to Sale, whether such Goods, Wares or Merchandizes be of the Growth, Product or Manufacture of this Province.

Any Dispute arising, Pedlars to make Oath, &c.

AND WHEREAS, ſundry Perſons for Lucre of Gain, and in Contempt of the Laws of this Province, and the Ordinances and good Rules of the City of *Philadelphia*, have taken upon themſelves to ſet up Lotteries, and alſo to ſell and retail Goods, Wares and Merchandizes by ſmall Parcels, by Way of Vendue, at unſeaſonable Times in the publick Streets of the ſaid City of *Philadelphia*, in Deceit of the Buyers, and to the great Annoyance of its Inhabitants, by reaſon of the many idle and diſorderly Perſons aſſembling themſelves together in the Night time in the open Streets, at the ſaid Vendues or publick Sales: For the Redreſſing of which Abuſes, and the Preſervation of the Peace within the ſaid City; and to prevent the many Impoſitions which attend ſuch Practices; BE IT ENACTED by the Authority aforeſaid, That if any Perſon or Perſons ſhall preſume or take upon him, her or themſelves, from and after the Publication of this Act, upon any Pretence whatſoever, privately or publickly to ſet up, exerciſe or keep any Lottery or Lotteries within the Province of *Pennſylvania*, and be thereof legally convict, he, ſhe or they ſhall forfeit, for every ſuch Offence, the Sum of *One Hundred Pounds;* one Moiety thereof to the Governor, and the other Moiety to any Perſon that ſhall ſue for the ſame.

Penalty on ſetting up Lotteries, &c.

AND BE IT HEREBY FURTHER ENACTED, That no Perſon or Perſons whatſoever, (except as herein after is excepted) ſhall after the Publication of this Act take upon him, her or themſelves, to ſell or expoſe to Sale by Way of Vendue or Auction, any Wares, Goods or Merchandizes within the City of *Philadelphia*, unleſs ſuch Perſon or Perſons ſhall firſt be recommended by the Mayor, Recorder and Aldermen of the ſaid City of *Philadelphia*, (in their open Seſſions) to the Governor of this Province; and ſhall have given Security to the Mayor of the ſaid City for the time being, for the Uſe of the Corporation, in ſuch Sum as ſhall be agreed upon by the ſaid Mayor, Recorder and Aldermen, provided the ſame do not exceed the Sum of *Five Hundred Pounds* for his or their honeſt and due Execution of the Office of Vendue-Maſter within the City of *Philadelphia*, and for the due Obſervation of the Ordinances of the ſaid City touching the regulating Vendues, or publick Sales, or Auctions within the ſame, and ſhall thereupon obtain the Governor's Licence or Commiſſion, according to the Tenor of, and for the Time limited in the ſaid Recommendation, for executing the ſaid Office of Vendue-Maſter. And there ſhall, at all Times hereafter, be authorized and appointed in the City of *Philadeldelphia*, a proper Perſon qualified for executing the ſaid Office of Vendue-Maſter purſuant to the Directions of this Act. And if any Perſon or Perſons ſhall be found ſelling or diſpoſing of any Goods, Wares or Merchandizes within the City of *Philadelphia* aforeſaid, (excepting as herein after is excepted) by Way of Vendue or Auction, without being recommended, and having given Security as aforeſaid, ſuch Perſon or Perſons ſo offending, and being thereof legally convict, ſhall, for every ſuch Offence, forfeit the Sum of *Fifty Pounds*, to the Uſe of the Corporation of the City of *Philadelphia*: And moreover, it ſhall and may be lawful for the Mayor, Recorder, or any of the Aldermen of the ſaid City, upon his or their own View, or upon the Teſtimony and Information of one credible Witneſs, to them, or any one of them given, of any Perſons ſelling any Good, Ware or Merchandizes by Way of Vendue or Auction as aforeſaid, (except as in this Act is excepted) within the ſaid City, without ſuch Recommendation and Bond given as aforeſaid, to cauſe ſuch Perſon or Perſons ſo offending to be apprehended, and may oblige him, her or them to find Sureties for his, her or their good Behaviours and Appearance at the next Court of Quarter-Seſſions of the Peace, to be held before the Mayor, Recorder and Aldermen of the ſaid City: And it is further declared, That if the Party ſo bound over, ſhall, during the Continuance of his her or their Recognizances, preſume again to ſell or expoſe to Sale by Way of Vendue as aforeſaid, any Wares and Merchandizes within the ſaid City, without being recommended and having given Bond as aforeſaid, ſuch ſelling or expoſing to Sale, ſhall be deemed, and is hereby declared, to be a Breach of the Good Behaviour.

A Vendue-Maſter for the City of Philadelphia to be commiſſionated by the Governor.

Penalty on Perſons ſelling Goods by Vendue in the City not being qualified.

PROVIDED ALWAYS, AND IT IS HEREBY FURTHER ENACTED, That nothing herein contained ſhall extend, or be conſtrued to extend, to hinder any Sheriff, Conſtable, or other Officer, to ſell and diſpoſe of by Way of Vendue, any Goods, Wares or Merchandizes taken in Execution, and liable to be ſold by Order of Law; or to hinder any Perſon or Perſons from ſelling or expoſing to Sale by publick Vendue, or otherwiſe, any Goods or Chattels of any kind whatſoever, taken and diſtrained for Rent being in Arrear; or to prohibit any lawful Executor or Executors, Adminiſtrator or Adminiſtrators, to expoſe to Sale by Way of publick Auction, Vendue or otherwiſe, any Goods or Chattels which were of their reſpective Teſtator or Inteſtates; but that all and every ſuch Perſon or Perſons may do herein as they might have done before the making of this Act; any thing herein contained to the contrary notwithſtanding.

Judicial Officers Executors &c. may ſell by publick Auction

Paſſed *February* 14th. 1729-30. Recorded A, Vol. 2. p. 382.

CCXCV. *An* ACT *for the better enabling divers Inhabitants of the Province of* Pennſylvania, *to hold Lands, and to inveſt them with the Privileges of natural-born Subjects of the ſaid Province.*

WHEREAS by the Encouragement given by the Honourable *William Penn*, Eſq; late Proprietary and Governor of the Province of *Pennſylvania*, and by the Permiſſion of his late Majeſty King *GEORGE* the Firſt, of bleſſed Memory, and his Predeceſſors, Kings and Queens of *England*, &c. divers Proteſtants, who were Subjects to the Emperor of *Germany*, a Prince in Amity with the Crown of *Great Britain*, tranſported themſelves and Eſtates into the Province of *Pennſylvania*, between the Years *One Thouſand Seven Hundred*, and *One Thouſand Seven Hundred and Eighteen;* and ſince they came hither have contributed very much to the Enlargement of the *Britiſh* Empire, and to the raiſing and improving ſundry Commodities fit for the Markets of *Europe*, and have always behaved themſelves religiouſly and peaceably, and have paid a due Regard and Obedience to the Laws and Government of this Province. AND WHEREAS many of the ſaid Perſons, to wit, *Martin Mylin*, *Hans Graaf*, *Chriſtian Stoneman*,

man, *Jacob Funk*, *Francis Neiff*, *Francis Neiff*, jun. *George Kindick*, *John Burkholder*, *John Burkholder*, jun. *Abraham Burkholder*, *Michael Bohman*, *John Hefs*, *John Frederick*, *Chriſtopher Preniman*, *Martin Harniſt*, *Joſeph Buckwalter*, *Felix Landas*, jun. *Adam Preniman*, *John Funk*, *John Bohman*, *John Taylor*, *Henry Neiff*, *Michael Mire*, *Henry Bare*, *Peter Bumgarner*, *Melcor Hufford*, *Melcor Eriſhman*, *John Brubaker*, *Jacob Niſly*, *Jacob Snevely*, *Jacob Goot*, *John Woolſlegle*, *Jacob Mire*, *Chriſtopher Sowers*, *Joſeph Stoneman*, *Daniel Aſhleman*, *Chriſtian Peelman*, *John Henry Neiff*, *John Henry Neiff*, jun. *Abraham Hare*, *John Ferie*, *Jacob Biere*, *Peter Yordea*, *Peter Leamon*, *John Jacob Snevely*, *Iſaac Coſſman*, *Andrew Coſſman*, *Woolrick Rodte*, *Henry Funk*, *Roody Mire*, *John Mylin*, *Jacob Bheme*, *John Coſſman*, *Michael Donedor*, *Charles Chriſtopher*, *Andrew Shults*, *John Howſer*, *Chriſtian Preniman*, *Jacob Miller black*, *Henry Carpenter*, *Emanuel Carpenter*, *Gabriel Carpenter*, *Daniel Herman*, *Chriſtian Herman*, *Philip Fiere*, *Mathias Slaremaker*, *big John Shank*, *Jacob Churts*, *Jacob Snevely*, jun. *John Woolrick Houver*, *John Croyder*, *John Leeghte*, *John Stampher*, *Martin Graaf*, *Peter Smith*, *Peter Newcomat*, *Jacob Bare*, jun. *John Henry Bare*, *Jacob Weaver*, *Henry Weaver*, *John Weaver*, *David Longanickar*, *George Weaver*, *Abraham Mire*, *Woolrick Houſer*, *John Mire*, *Henry Muſſelman*, *Michael Shank*, *Jacob Miller*, *Jacob Miller*, jun. *Martin Miller*, *Peter Aybe*, *Hans Goot*, *Chriſtian Staner*, *John Jacob Light*, *Adam Brand*, *Chriſtopher Franciſcus*, *Caſpar Loughman*, *Frederick Stay*, *John Line*, *John Shwope*, *Baſtian Royer*, *Jonas Lerow*, *Simeon King*, *John Aybe*, and *Everard Ream*, all of *Lancaſter* County in the ſaid Province: and *John Naglee* *Bernard Reſor*, *John Wiſtor*, *John Frederick Ax*, *John Philip Bohm*, *Anthony Yerkhas*, and *Herman Yerkhas*, of the County of *Philadelphia*, in the ſame Province, in Demonſtration, of their Affection and Zeal for his preſent Majeſty's Perſon and Government, qualified themſelves by taking the Qualification and ſubſcribing the Declaration directed to be taken and ſubſcribed by the ſeveral Acts of Parliament, made for the Security of his Majeſty's Perſon and Government, and for preventing the Dangers which may happen by Popiſh Recuſants, &c. and thereupon, have humbly ſignified to the Governor and the Repreſentatives of the Freemen of this Province, in General Aſſembly met, that they have purchaſed and do hold Lands of the Proprietary, and others His Majeſty's Subjects within this Province, and have likewiſe repreſented their great Deſire of being made Partakers of thoſe Privileges which the natural-born Subjects of *Great Britain* do enjoy within this Province; and it being juſt and reaſonable that thoſe Perſons who have *bona fide* purchaſed Lands, and who have given ſuch Teſtimony of their Affection and Obedience to the Crown of *Great Britain*, ſhould as well be ſecured in the Enjoyment of their Eſtates, as encouraged in their laudable Affection to and Zeal for the *Engliſh* Conſtitution; BE IT ENACTED by the Honourable PATRICK GORDON, Eſq; Lieutenant Governor of the Province of *Pennſylvania*, &c by and with the Advice and Conſent of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That *Martin Mylin*, *Hans Graaff*, *Chriſtian Stoneman*, *Jacob Funk*, *Francis Neiff*, jun. *George Kindick*, *John Burkholder*, *John Burkholder*, jun. *Abrahams Burkholder*, *Michael Bohman*, *John Hefs*, *John Frederick*, *Chriſtopher Preniman*, *Martin Harniſt*, *Joſeph Buckwalter*, *Felix Landas*, jun. *Adam Preniman*, *John Funk*, *John Bohman*, *John Taylor*, *Henry Neiff*, *Michael Mire*, *Henry Bare*, *Peter Bumgarner*, *Melcor Hufford*, *Melcor Eriſhman*, *John Brubaker*, *Jacob Niſly*, *Jacob Snevely*, *Jacob Goot*, *John Woolſlegle*, *Jacob Mire*, *Chriſtopher Sowers*, *Joſeph Stoneman*, *Daniel Aſhleman*, *Chriſtian Peelman*, *John Henry Neiff*, *John Henry Neiff*, jun. *Abraham Hare*, *John Ferie*, *Jacob Biere*, *Peter Yordea*, *Peter Leamon*, *John Jacob Snevely*, *Iſaac Coſſman*, *Andreas Coſſman*, *Woolrick Rodte*, *Henry Funk*, *Roody Mire*, *John Mylin*, *Jacob Bheme*, *John Coſſman*, *Michael Donedor*, *Charles Chriſtopher*, *Andrew Shults*, *John Howſer*, *Chriſtan Preniman*, *Jacob Miller black*, *Henry Carpenter*, *Emanuel Carpenter*, *Gabriel Carpenter*, *Daniel Herman*, *Chriſtian Herman*, *Philip Fiere*, *Mathias Slaremaker*, *big John Shank*, *Jacob Churts*, *Jacob Snevely*, jun. *John Woolrick Houver*, *John Croyder*, *John Leeghte*, *John Stampher*, *Martin Graaf*, *Peter Smith*, *Peter Newcomat*, *Jacob Bare*, jun. *John Henry Bare*, *Jacob Weaver*, *Henry Weaver*, *John Weaver*, *David Longanickar*, *George Weaver*, *Abraham Mire*, *Woolrick Houſer*, *John Mire*, *Henry Muſſelman*, *Michael Shank*, *Jacob Miller*, *Jacob Miller*, jun. *Martin Miller*, *Peter Aybe*, *Hans Goot*, *Chriſtian Staner*, *John Jacob Light*, *Adam Brand*, *Chriſtopher Franciſcus*, *Caſpar Loughman*, *Frederik Stay*, *John Line*, *John Swope*, *Baſtian Royer*, *Jonas Lerow*, *Simeon King*, *John Aybe*, *Everard Ream*, *John Naglee*, *Bernard Reſor*, *John Wiſter*, *John Frederick Ax*, *John Philip Bohm*, *Anthony Yerkhas* and *Herman Yerkhas*, be, and ſhall be to all Intents and Purpoſes, deemed, and eſteemed His Majeſty's natural born Subjects of this Province of *Pennſylvania*, as if they and each of them had been born within the ſaid Province; and ſhall and may, and every of them ſhall and may, within this Province, take, receive, enjoy, and be intituled to all Rights, Privileges and Advantages of natural-born Subjects, as fully to all Intents, Conſtructions and Purpoſes whatſoever, as any of His Majeſty's natural-born Subjects of this Province can do, or ought to enjoy, by Virtue of their being His Majeſty's natural-born Subjects of His Majeſty's ſaid Province of *Pennſylvania*.

Paſſed *February* 14*th*, 1729-30. Recorded A, Vol. 2. p. 385.

CCXCVI. *An* ACT *for lending the Sum of* Three Hundred Pounds *in Bills of Credit, for building a Priſon and Court-Houſe in* Lancaſter *County*, &c. Obſolete.

Paſſed *February* 14*th*. 1729-30. Recorded A, Vol. 2. p. 386.

CCXCVII. *A Supplement to the Act intituled*, An Act for Preventing clandeſtine Marriages.

WHEREAS the good Intention of an Act of Aſſembly of this Province, intituled, *An Act for preventing clandeſtine Marriages*, hath been very much eluded, by reaſon that no proper Penalty is by the ſaid

said Law imposed upon the Justice of the Peace or other Persons marrying or joining in Marriage any Persons contrary to the Intent and Meaning of the said Act; *For the Remedying whereof*

No Marriage of Non-Residents. Minors or Servants to be published without Certificates, &c.

BE IT ENACTED by the Honourable PATRICK GORDON, Esq; Lieutenant Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Justice of the Peace shall subscribe his Name to the Publication of any Marriage within this Province, intended to to be had between any Persons whatsoever, unless one of the Persons, at least, live in the County where such Justice dwells, and unless such Justice shall likewise have first produced to him a Certificate of the Consent of the Parent or Parents, Guardian or Guardians. Master or Mistress, of the Persons whose Names or Banns are to be so published, if either of the Parties be under the Age of Twenty-one Years, or under the Tuition of their Parents, or be indented Servants, if such Parent, Guardian, Master or Mistress live within this Province, or can be consulted with; And also that no Person or Persons of what Character or Degree soever he be, presume to publish the Banns of Matrimony or Intentions of Marriage between any Person or Persons, in any Church, Chappel, or other Place of Worship within this Province, unless one of the Parties at least live in the Town, County or City, where such Publication shall be made; and unless the Person or Persons making or causing to be made such Publication, shall have received such Certificate of the Consent of the Parent, Guardian, Master or Mistress, as is herein before directed, if the Parties who ought to grant such Certificate live within this Province.

Penalty on Justices, Clergymen, &c. acting contrary to the Directions of this Act.

AND if any Justice of the Peace, Clergyman, Minister, or other Person, shall take upon him or them to join in Marriage any Person or Persons, or if any Justice of the Peace shall be present at and subscribe his Name as a Witness to any Marriage within this Province, without such Publication being first made as aforesaid, such Justice of Peace, Clergyman, Minister, or other Person, taking upon him to sign, make, or cause to be made, any Publication contrary to the Directions of this Act, or shall marry or join in Marriage any Person or Persons not published, as in the aforesaid Act of Assembly and by this Act is directed, every Justice of Peace, Clergyman, Minister, or other Person so offending, shall, for every such Offence, forfeit the Sum of *Fifty Pounds*, to be recovered in any Court of Record within this Province, by Bill, Plaint or Information, by the Person or Persons griev'd, if they will sue for the same; wherein no Essoin, Protection or Wager of Law, nor any more than one Imparlance shall be allowed.

Marrying in Religious Societies not forbid by this Act, so as Notice be given &c. Consent of Parents, &c. to be certified in Licenses.

PROVIDED, That nothing herein contained shall be deemed to extend to any Person who shall be married in the Religious Society to which they belong, so as Notice be given to the Parent or Parents, Guardian or Guardians, Master or Mistresses, of the Person or Persons so to be married (if such Parent, Guardian, Master or Mistress live within this Province) at least twenty Days before such Marriage be solemnized; nor that this Law shall extend to any Person marrying by the Authority of any lawful Licence, so as such Consent or Approbation in Writing of the Parent or Parents, Guardian or Guardians, Masters or Mistresses, as by this Act is directed, be first had, and the same Consent be certified in the Body of the said Licence; any thing herein or in the aforesaid Act of Assembly contained to the contrary notwithstanding.

Passed *February* 14*th*. 1729-30. Recorded A, Vol. 2. p. 387.

CCXCVIII. *A* Supplementary ACT *to an Act of Assembly of this Province, intituled,* An Act against buying Land of the Natives.

Preamble.

WHEREAS divers Laws have from time to time been enacted in this Province, for preserving Peace, and cultivating a good Understanding with the Indian Natives thereof: AND WHEREAS notwithstanding the Provision made by the said former Act, against purchasing Land of the said Natives, without Leave from the Proprietor, the Peace of the Publick has been and may further be endangered by the Proceedings of some Persons, who, to elude the said Act now in Force against such Practices, do, contrary to the Intention thereof, pretend to take Land of the Natives on Lease or for Term of Years, or to bargain with the Indians for the Herbage, or for the Timber or Trees, Mines, or Waters thereof; and others who without any Authority have settled upon and taken Possession of vacant Lands, as well to the manifest Contravention of the Royal Grant of the Soil of this Province from the Crown to the Proprietor and his Heirs, and the apparent Damage of such Persons who have Right to take up Lands heretofore granted to them within this Province, as to the laying a Foundation for Disputes, Misunderstandings and Breaches with the said Natives and others: For the Prevention whereof, BE IT ENACTED by the Honourable PATRICK GORDON, Esq; Lieutenant Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Person or Persons, Bodies politick or coporate whatsoever, shall at any Time hereafter, for any Cause or Consideration, or on any Pretence whatsoever, presume to purchase, bargain, contract for, have or take, of or from any Indian Native or Natives, by any Manner of Gift, Grant, Bargain, or Sale in Fee-simple, or for Life, Lives, Terms of Years, or any Estate whatsoever, any Lands, Tenements or Hereditaments within the Limits of this Province, or any Manner of Right, Title, Interest or Claim, in or to any such Lands, Tenements or Hereditaments, or in or to any Herbage, Trees, Fishings, Rivers, Waters, Mines, Minerals, Quarries, Rights, Liberties or Privileges, of or belonging unto any such Lands, Tenements or Hereditaments, without the Order or Direction of the Proprietary or Proprietaries of this Province, or of his or their Proprietary Commissioners or Deputies, authorised and appointed, or to be authorised and appointed for the Management of the Proprietary Affairs of this Province for and in behalf of the Proprietor or Proprietors thereof for the time being; and that every Gift, Grant, Bargain, Sale,

No Lands, &c, to be hereafter purchased of the Natives.

written

written or verbal Contract or Agreement, and every pretended Conveyance, Leaſe, Demiſe, and every other Aſſurance made, or that ſhall be hereafter made, with any of the ſaid Indian Natives, for any ſuch Lands, Tenements or Hereditaments, Herbage, Trees, Rivers, Waters, Fiſhings, Mines, Minerals, Quarries, Rights, Liberties or Privileges whatſoever, within the Limits of this Province, without the Order and Direction of the Proprietor or his Commiſſioners as aforeſaid, ſhall be and is hereby declared and enacted to be null, void, and of none effect, to all Intents Conſtructions and Purpoſes in the Law whatſoever: And that as well the Grantee, Bargainee, Leſſee, Purchaſer, or Perſon pretending to bargain or to have bargain'd or agreed with any Indian Native as aforeſaid, contrary to the true Intent and Meaning of this Act; as all and every Perſon or Perſons entring into and taking Poſſeſſion of any Lands within the Province of *Pennſylvania*, not located or ſurveyed by ſome Warrant or Order from the Proprietary or Proprietaries, his or their Agents or Commiſſioners as aforeſaid, to the Perſon or Perſons poſſeſſing the ſaid Lands, or to ſome Perſon or Perſons under whom they claim, and upon reaſonable Notice and Requeſt, refuſing to remove, deliver up the Poſſeſſion, or to make Satisfaction for ſuch Lands, ſhall and may be proceeded againſt in ſuch Manner as is preſcrib'd by the ſeveral Statutes of that Part of the Kingdom of *Great-Britain*, called *England*, made againſt forcible Entries and Detainers; and that no Length of Poſſeſſion ſhall be a Plea againſt ſuch Proſecution.

All Contracts with them for Land, &c. to be null and void.

Perſons poſſeſſing Land not taken up by Warrant, to remove or make Satisfaction.

PROVIDED ALWAYS, That nothing herein contained ſhall be deemed or conſtrued to extend to any Perſon or Perſons who have contracted or bargained with the Proprietary or Proprietaries, his or their Agents or Commiſſioners as aforeſaid, for the Lands in their Poſſeſſion, altho' the Money agreed to be paid for the ſaid Lands be not paid according to ſuch Bargain or Contract.

Paſſed *February* 14*th*, 1729-30. Recorded A, Vol. 2. p. 388.

CCXCIX. *An* ACT *laying an Exciſe on all* Wine, Rum, Brandy, *and other Spirits, retailed in this Province.* Expired.

Paſſed *February* 14*th*, 1729-30 Recorded A, Vol. 2. p. 390.

CCC. *An* ACT *impoſing a Duty on Perſons convicted of heinous Crimes, and to prevent poor and impotent Perſons being imported into the Province of* Pennſylvania.

WHEREAS many Perſons trading into this Province have, for Lucre and private Gain, imported, ſold or diſpoſed of, and daily do import Paſſengers and Servants into this Province, who, by Reaſon of Age, Impotency or Idleneſs, have become a heavy Burthen and Charge upon the Inhabitants thereof; and likewiſe do frequently import divers Perſons convicted of heinous Crimes, who ſoon after their coming into this Province do often commit many Felonies, Robberies, Thefts and Burglaries, to the great Hurt of His Majeſty's Subjects trading to and inhabiting the ſame: BE IT THEREFORE ENACTED, by the Honourable PATRICK GORDON, Eſq; Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That all Maſters of Veſſels, Merchants or others, who ſhall import, land or bring into any Port or Place belonging to this Province, at any Time after the Publication of this Act, any Perſon in the Condition of a Servant or otherwiſe, within the Intent and Meaning of this Act, who hath been convicted of any Murder, Burglary, Rape, Sodomy, Forgery, Perjury, or any Felony, at any Time before ſuch Importation or coming into this Province; ſhall, before the ſaid Convicts be landed or put on Shore, pay the Sum of *Five Pounds*, for every ſuch Convict ſo imported or otherwiſe brought in; one Moiety thereof to the Governor for Support of Government, and the other Moiety to the Collector appointed by this Act or the Informer; and ſhall further become bound, with good and ſufficient Security to the Treaſurer of this Province for the Time being, in the Sum of *Fifty Pounds*, for the Good-Behaviour of ſuch convict Perſon, for the Space of one Year next after his or her Importation or coming into this Province.

Preamble.

Importer of Convicts to pay 5 l. per Head.

AND WHEREAS it hath been a Practice for Maſters of Veſſels, Merchants and others trading into this Province, with Intent to avoid complying with the Payment of the Duties, and giving the Security requited by former Acts of Aſſembly of this Province, made to prevent the Importation of Convicts, and poor impotent Perſons, to land their Paſſengers, Servants and Convicts in ſome of the adjacent Governments; which Paſſengers, Servants, impotent People and Convicts have afterwards been ſecretly brought into this Province: THEREFORE, to prevent ſuch Practices for the future, BE IT ENACTED by the Authority aforeſaid, That if any ſuch Convict as aforeſaid, or Servant or Paſſenger being poor and impotent Perſons, ſhall be imported into the River *Delaware* after the Publication of this Act, and ſhall be found within this Province at any Time within the Space of twelve Months next after their being imported as aforeſaid, whether ſuch Perſons were landed within this Government or elſewhere, it ſhall and may be lawful for the Collector of the Duties appointed by this Act, or his Deputy for the time being, and for any Juſtice of the Peace, or principal Magiſtrate or Magiſtrates of any City or County or Town within this Province, to cauſe to be apprehended, taken up, and to examine upon Oath or Affirmation all ſuch Convicts as aforeſaid, and Paſſengers and Servants being poor and impotent Perſons, and all other Perſons who may be ſuppoſed to be able to make any Diſcovery of the Time and Manner of their being imported or coming into this Province, and from whence they came laſt; how long they have been come from Parts beyond the Seas; of what Country, and in what Veſſel, and who was Maſter or Merchant of ſuch Veſſel, and whether ſuch Veſſel at the Time of ſuch Perſon or

Convicts, &c. if found in this Province within twelve Months after their Importation, may be apprehended and examined, &c.

Persons being shipp'd or coming on Board was bound to or designed for *Pennsylvania*; and whether such Person or Persons shipp'd themselves with Intent to come into this Province; And if upon Examination it shall appear to any two Justices of the Peace within this Province, or to the Mayor and Recorder, or either of them, with any one of the Aldermen of the City of *Philadelphia*, that the said Persons were ship'd or took their Passages for *Pennsylvania*; then the said Magistrates before whom such Examination is taken, shall demand and compel the Persons, if Convicts, immediately to comply with the Directions of this Act, by paying the Duties hereby imposed on them, and giving the Security, directed in the Case of Convicts by this Act; and shall be, and are hereby impowered and required to send for the Master and Merchant of such Vessel, or either of them, in which the said Persons were supposed to be imported, and to examine such Master or Merchant upon their Oath or Affirmation, concerning the said Passengers, Servants or Convicts, and their Importation or coming into this Province: And if it shall appear that the said Persons so apprehended, or any other Persons being Convicts as aforesaid, were ship'd or taken on board to be imported into *Pennsylvania*, and put on shore, or permitted to go on shore by such Master or Merchant in any other Government upon the River *Delaware*, or upon any Place or Island within the said River, without making Report and complying with the Directions of this Act; then in such Case the said Master or Merchant shall be obliged forthwith to give Security for his Appearence at the next Court of General Quarter-Sessions of the Peace, to be held for the City or County where such Examination is taken; and if upon Presentment or Information, he or they shall be legally convicted of such fraudulent Practice, he, she or they so offending, shall forfeit the Sum of *Twenty Pounds* for every Person so by him or them brought in as aforesaid, and put, or permitted to be put on shore, and afterwards at any Time within the Space of Twelve Months next after their being landed or put on shore shall be found within this Province, without making such Entry and paying the Duties, and giving the Security required by this Act; one half to the Governor, and the other to the Collector or Informer; and shall further pay the same Duties, and give the same Security for such Convicts as aforesaid, as if such Persons had been imported into this Province and Report thereof made according to the Directions of this Act.

And shall be compelled immediately to comply with the Directions of this Act.

Penalty on Master or Merchant convicted of acting contrary to this Act.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That upon Information given to the Mayor and Recorder of the City of *Philadelphia* for the Time being, or the Mayor, or Recorder, together with one of the Aldermen of the said City, or to any two Justices of the Peace of any County within this Province, that any old Persons, Infants, maimed, lunatick, or any vagabond or vagrant Persons are imported, come or are brought into this Province; the said Mayor, Recorder and Aldermen, or any two of them as aforesaid, or any two Justices of the Peace of the respective Counties where such Persons shall be found, shall cause such aged Persons, Infants, or impotent or vagrant Persons to be brought before them; and if upon Examination, they shall judge that such Person or Persons are likely to become chargeable to the City, Town, or County where they are found, or were imported, it shall and may be lawful for the said Mayor, Recorder and Aldermen, or any two Justices of the Peace as aforesaid, by Warrant or otherwise, to send for the Master, Merchant, or other Person who imported any such Infant, lunatick, aged, maimed, impotent or vagrant Person or Persons, as aforesaid, as are likely to become chargeable as aforesaid; and upon Proof made of their being the Importers or Owners of such infant, lunatick, aged, maimed, impotent or vagrant Persons, who shall be judged to be likely to become chargeable as aforesaid, the said Mayor, Recorder and Aldermen, or any two of them as aforesaid, or any two Justices as aforesaid, shall and may compel the said Master, Merchant, or Importer of such Infant, lunatick, maimed, aged, impotent or vagrant Person or Persons, to give sufficient Security to carry and transport such Infant, lunatic, maimed, aged, impotent or vagrant Person or Persons, to the Place or Places from whence such Person or Persons, were imported, or otherwise to indemnify the Inhabitants of this Province from any Charge that may come or be brought upon them by such Infant, lunatick, maimed, aged, impotent or vagrant Person or Persons coming into or living within this Province.

Importer of Persons likely to become chargeable, shall give Security to indemnify the Province.

PROVIDED ALWAYS, That if any Person or Persons shall apprehend him or themselves aggrieved with any such Order or Judgment of the Justice or Justices of the Peace, or other Magistrates who shall make the same, the Person or Persons so aggrieved may appeal to the next Court of General Quarter-Sessions of the Peace to be held for the County or City, where such Order shall be made, whose Judgment shall be final; but before such Appeal be allowed of, the Person or Persons appealing shall enter into a Recognizance, with one good Surety at least, to pay the Costs and Charges of such Appeal, in case the said Order shall happen to be confirmed.

Persons agrieved by the Judgment of Justices may appeal to the Court of Quarter-Sessions.

AND for the better Discovery of such Convicts, and poor and impotent or idle and vagrant Persons, who shall hereafter, be imported into, and shall be likely to become chargeable to the Inhabitants of this Province; BE IT FURTHER ENACTED by the Authority aforesaid, That all Masters of Vessels, Merchants and others, who shall hereafter bring into any Port or Place belonging to this Province, by Land or by Water, any Men or Women Passengers, or Servants, shall within the Space of Twenty-four Hours after their Arrival into any Port or Place of this Province, forthwith make Entry, and give, or cause to be given upon Oath or Affirmation, to the Collector of the said Duty for the time being, a true and just Account of all the Names of the Servants and Passengers so imported or brought in; which Account the said Collector shall duly enter, and shall forthwith give Notice thereof to the Mayor of *Philadelphia* for the time being, if such Servants, Passengers, *&c.* are designed to be landed at *Philadelphia*; or to any two or more of his Majesty's Justices of the Peace for the Town or County where such Servants or Passengers shall be imported; and the said Mayor or Justices as aforesaid, are hereby impowered and injoined, immediately by Warrant or otherwise, to call before them the said Master, Merchant, or other Person or Persons importing such Servant or Servants, or Passengers as aforesaid, and to examine upon Oath or Affirmation the said Master, Merchant, and all other Persons who may be supposed to

Masters of Vessels, Merchants, &c. to give an Account upon Oath of the Names of all Servants Passengers, &c.

to have any Knowledge of the Character and Circumſtances of ſuch Servants or Paſſengers, and thereupon ſhall grant unto the Maſter, Merchant or Owner, or other Perſon having the Charge or Care of any Servant or Servants, or Paſſengers ſo imported or brought into this Province, a Certificate containing the Names of all the Servants, or Paſſengers, which ſuch Juſtice ſhall judge fit to be landed, or diſpoſed of as Servants, and do not appear to them to have been formerly convicted of any of the Crimes mentioned in this Act; or ſuch as do not appear to them to be ſuch Infants, lunatick, maimed, aged, impotent or vagrant Perſons, as they ſhall judge likely to become chargeable to the Inhabitants of this Province; for which Examination, Permit and Certificate, there ſhall be paid to the Mayor or Juſtices aforeſaid, the Sum of *Nine Pence per* Head; and to the Collector, the Sum of *Nine Pence* for every Perſon ſo imported; and there ſhall likewiſe be paid to the Collector, for each Bond he ſhall take in Purſuance of any thing required to be done by Virtue of this Act, the Sum of *Two Shillings and Six-Pence*, and no more.

Juſtices may give a Certificate, containing the Names of ſuch Servants or Paſſengers as they judge fit to be landed.

Juſtices and Collector's Fees.

PROVIDED NEVERTHELESS, And it is hereby further enacted, That if after ſuch Examination taken, and Certificate granted as aforeſaid, it ſhall be made appear, that any of the ſaid Perſons ſo landed or imported are Convicts, the Maſter, Merchant, or other Perſon, who imported ſuch Convict or Convicts, ſhall be liable to pay the ſame Duty, and give the ſame Security as if no ſuch Examination had been taken or Certificate granted; any thing in this Act contained to the contrary notwithſtanding.

Duties to be paid &c. notwithſtanding the Certificate granted, if it afterward appears that any of the Perſons imported are Convicts.

AND if any Servant or Servants, or Convict, or other Perſon, ſhall be imported or brought into and landed in any Port or Place within this Province, without making ſuch Entry as aforeſaid in the Manner before directed, and paying the Duty and giving the Security required by this Act, and within the Time limited by this Act for that Purpoſe, and obtaining ſuch Certificate from the Mayor or Juſtices as aforeſaid, every ſuch Maſter of a Veſſel, Merchant, and other Perſon ſo importing, bringing in, or landing ſuch Servants or other Perſons ſhall forfeit and pay for each Servant, or other Perſon ſo imported, brought in, or landed contrary to the Directions of this Act, the Sum of *Ten Pounds*; one Half, after the Charge of Proſecution deducted, to the Governor for the Support of Government; and the other Half, after ſuch Charges deducted as aforeſaid, to the Collector, or to ſuch Perſon or Perſons who will ſue for the ſame in any Court of Record in this Province, by Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law ſhall be allowed.

Penalty on Maſter, Merchant, &c. not complying with the Directions of this Act.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all Perſons obliged by this Act to make Entry as aforeſaid, ſhall apply to *Charles Read*, of *Philadelphia*, Merchant, who is hereby appointed the preſent Collector of the ſaid Duty hereby impoſed, without any Notice or Requeſt made by him for their ſo doing; and the ſaid Collector is hereby further impowered to receive, collect, demand and recover from all Perſons importing, landing or bringing in any Servant or Servants, or other Perſons, into any Port or Place within this Province, all Forfeitures and Penalties herein before appointed to be ſet, impoſed and levied by Virtue of this Act.

Perſons obliged to make Entry ſhall apply to the Collector.

AND BE IT FURTHER ENACTED, That one Act of General Aſſembly of this Province, entituled, *An Act for impoſing a Duty upon Perſons convicted of heinous Crimes, and imported into this Province*, &c. and one other Act of General Aſſembly, entituled, *An Act laying a Duty on Foreigners and* Iriſh *Servants*, &c, imported into this Province, be and are hereby repealed and made void.

Two former Acts repealed. P. 81. P. 117.

PROVIDED ALWAYS, That nothing herein contained, ſhall extend or be conſtrued to extend to diſcharge any Sum of Money or other Duty payable by the aforeſaid two recited Acts of Aſſembly, or either of them; but that the aforeſaid Acts, as to the Recovery of any Sum or Sums of Money, Duty or Penalty, forfeited, become due, or payable before the firſt Day of this Inſtant *January*, by Virtue of or by Breach of the aforeſaid Acts, or either of them, do and ſhall continue and remain in full Force, until the ſaid Sums of Money, Duty, or Forfeitures be effectually levied, recovered and received.

Duties, &c. now payable by former Acts, not hereby diſcharged.

AND WHEREAS by a Law of this Province, *For the better Regulation of Servants*, it is provided, That no Servant ſhall be aſſigned over to any Perſon but in the Preſence of one Juſtice of the Peace;

p. 5.

BE IT FURTHER ENACTED by the Authority aforeſaid, That all Sales or Aſſignments of Servants within the City of *Philadelphia*, ſhall be made before the Mayor of the ſaid City for the Time being; or in Caſe of his Neglect or Abſence, then before the Recorder of the ſaid City, and before no other Perſon or Perſons whatſoever; under the Penalty of *Ten Pounds*, to be levied as in the ſaid Act is directed.

All Sales or Aſſignments of Servants in Philadelphia to be before the Mayor, &c. Who is to keep a Regiſter, &c.

AND the ſaid Mayor and Recorder ſhall, and are hereby injoined, to keep a Regiſter or Regiſters of the Names of ſuch Servants, and by whom and to whom aſſigned, and the Term of Years mentioned in the Indenture, with the Date or Time of Aſſignment. And the ſaid Mayor ſhall, at his going out of his Mayoralty, deliver the Regiſter or Regiſters aforeſaid to his Succeſſor, to be carefully kept, to the End that all Perſons concerned may readily have Acceſs to the ſame.

Paſſed *February 14th*, 1729-30. Recorded A, Vol. 2. p. 393.

CCCI. *An* ACT *for the Relief of inſolvent Debtors within the Province of* Pennſylvania.

WHEREAS in Compaſſion to ſuch unhappy Perſons, as by Loſſes and other Misfortunes have been rendered uncapable to pay their Debts, it is provided by an Act of Aſſembly of this Government, That if any Perſon be impriſoned for Debt, or Fines, within this Province, and have no ſufficient Eſtate to ſatisfy the ſame, the Debtor ſhall make Satisfaction by Servitude, according to the Judgment of the Court; but there being no Proviſion made by the ſaid Law to compel the Debtor to render any Account

ante p. 39. — post 129.

Account of his or her Eſtate, great Abuſes have been committed by Perſons claiming the Benefit of that Law, in concealing their Eſtates, or making them over in Truſt ſo that no clear Diſcovery could be made of the ſame by the Creditors; and it being found by Experience that the Service of the Debtor has in nowiſe anſwered the End propoſed in making the ſaid Law: Therefore, for the Relief of ſuch Priſoners who ſhall be willing to ſatisfy their Creditors as far as they are able; BE IT ENACTED by the Honourable PATRICK GORDON, Eſq; Lieutenant Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That if any Perſon or Perſons charged in Execution for any Sum or Sums of Money, not exceeding in the Whole the Sum of *One Hundred Pounds*, from and after the *Twenty-fifth* Day of *March*, in the Year of our Lord *One Thouſand Seven Hundred and Thirty*, ſhall be minded to deliver up to his, her, or their Creditors, all his, her, or their Effects, towards the Satisfaction of the Debts wherewith he, ſhe or they ſtand charged, it ſhall and may be lawful for ſuch Priſoner to exhibit a Petition to any of the Courts of Law within this Province, from whence the Proceſs iſſued upon which he, ſhe or they was or were taken or charged in Execution, certifying the Cauſe or Cauſes of his, her or their Impriſonment, and an Account of his, her or their whole real and perſonal Eſtate, with the Dates of the Securities wherein any Part of it conſiſts, and the Deeds or Notes relating thereunto, and the Names of the Witneſſes to the ſame, as far as his, her or their Knowledge extends thereto: And upon ſuch Petition the Court may, and is hereby required, by Order or Rule of Court to cauſe the Priſoner to be brought up, and the ſeveral Creditors at whoſe Suit he, ſhe or they ſtand charg'd as aforeſaid, and all other his or her Creditors that are or can be known to the Court, to be ſummoned to appear perſonally, or by their Attorney, in Court, at a Day to be appointed for that Purpoſe; and upon the Day of ſuch Appearance, if any of the Creditors ſummoned refuſe or neglect to appear, upon Affidavit of the due Service of ſuch Rule or Order, or upon Affidavit made that the Creditor or Creditors are not to be found, the Court ſhall in a ſummary Way examine into the Matter of ſuch Petition, and hear what can or ſhall be alledged on either Side for or againſt the Diſcharge of ſuch Priſoner; and upon ſuch an Examination the Court may and are hereby required to adminiſter or tender to the Priſoner an Oath or Affirmation to the Effect following:

3 Salk. 330. by 5 Geo. III. c. 2. extended to £150 to one Quarter.

Priſoner to exhibit a Petition, &c.

Creditors to be ſummoned to appear, &c.

The Form of the Oath or Affirmation.

I A. B, *do ſolemnly* (*ſwear in the Preſence of Almighty God*) or, (ſincerly and truly declare and affirm) *that the Account by me delivered into this Honourable Court in my Petition to this Court, doth contain a full and true Account of all my real and perſonal Eſtate, Debts, Credits and Effects whatſoever, which I, or any in Truſt for me, have, or at the Time of my Impriſonment, had, or am, or was in any reſpect entitled to, in Poſſeſſion, Remainder or Reverſion* (*except the Wearing-Apparel and Bedding for me or my Family, and the Tools or Inſtruments of my Trade or Calling, not exceeding* Five Pounds *in Value, in the Whole;*) *and that I have not at any Time ſince my Impriſonment, or before, directly or indirectly, Sold, Leaſed, Aſſigned, or otherwiſe diſpoſed, or made over in Truſt, for myſelf, or otherwiſe, other than as mentioned in ſuch Account, any Part of my Lands, Eſtate, Goods, Stock, Money, Debts, or other real or perſonal Eſtate, whereby to have or expect any Benefit or Profit to myſelf, or to defraud any of my Creditors to whom I am indebted.*

AND in caſe the Priſoner ſhall in open Court take the ſaid Oath or Affirmation, and upon ſuch Examination, and his or her taking the ſaid Oath or Affirmation the Creditors ſhall be ſatisfied with the Truth thereof, the Court may immediately order the Lands, Goods and Effects contained in ſuch Account, or ſo much of them as may be ſufficient to ſatisfy the Debts wherewith he or ſhe is or ſhall be charged, together with Coſts of Suit, and the Fees due to the Keeper of the Goal or Priſon from which the Priſoner was brought, to be by a ſhort Indorſement on the Back of ſuch Petition, ſigned by the Priſoner, aſſigned to the Creditors, or one or more of them in Truſt for the reſt of them, or to ſome proper Perſon to be by the ſaid Court appointed in Truſt for all the Creditors; and by ſuch Aſſignment the Eſtate, Intereſt and Property of the Lands, Goods, Debts and Effects ſo aſſigned, ſhall be veſted in the Perſon or Perſons to whom ſuch Aſſignment is or ſhall be made, who may take Poſſeſſion of, or ſue for the ſame, in his or their own Name or Names, in like Manner as Aſſignees of Commiſſioners of Bankrupts; to which Suit no Releaſe of the Priſoner, his or her Executors or Adminiſtrators, or any Truſtee for him or her, ſubſequent to ſuch Aſſignment, ſhall be any Bar. And immediately upon ſuch Aſſignment executed, the ſaid Priſoner ſhall be diſcharged out of Cuſtody by Order of Court; and ſuch Order ſhall be a ſufficient Warrant to the Sheriff, Goaler or Keeper of ſuch Priſon to diſcharge the ſaid Priſoner if detained for the Cauſes mentioned in ſuch Petition, and no other; and he is hereby required to diſcharge and ſet him or her at Liberty forthwith without Fee; nor ſhall ſuch Sheriff or Goaler be liable to any Action of Eſcape, or other Suit or Information upon that Account: And the Perſon or Perſons to whom the ſaid Effects ſhall be aſſigned, paying the Fees to the Goaler or Keeper of the Priſon, in whoſe Cuſtody the Party diſcharged was, ſhall and are hereby required, to divide the Effects ſo aſſigned among the Creditors, and all the Perſons for whom they ſhall be intruſted, in Proportion to their reſpective Debts. But in Caſe the Perſon or Perſons, at whoſe Suit ſuch Priſoner was charged in Execution, or any other Creditor, ſhall not be ſatisfied with the Truth of ſuch Oath or Affirmation, but ſhall deſire further Time to inform himſelf of the Matters contained therein, the ſaid Court may and ſhall remand the ſaid Priſoner, and direct the ſaid Priſoner, and the Perſon or Perſons diſſatisfied with ſuch Oath or Affirmation, to appear at another Day to be appointed by the ſaid Court ſometime within the Term next following the Time of ſuch Examination; and if at ſuch ſecond Day ſo to be appointed, the Creditor or Creditors diſſatisfied with ſuch Oath or Affirmation, ſhall make Default in appearing, or in caſe he or they ſhall appear, but ſhall be unable to diſcover any Eſtate or Effects of the Priſoner omitted in ſuch his or her Petition, or to ſhew any Probability of his or her having been forſworn or to have declared falſly in the ſaid Oath or Affirmation, then the ſaid Court ſhall immediately cauſe the ſaid Priſoner to be diſcharged,

Priſoner to aſſign his Effects to the Creditors, &c.

And upon ſuch Aſſignment to be diſcharged,

Effects to be divided among the Creditors in Proportion to their reſpective Debts.

Creditors not being ſatisfied with the Oath, &c. the Court may remand the Priſoner, &c.

ed, upon such Assignment of his or her Effects in Manner as aforesaid; unless such Creditor or Creditors do insist upon his or her being detained in Prison and do agree, by Writing, under his Hand, to pay and allow any Sum of Money that shall be assessed by the said Court, not exceeding *Three Shillings* per Week, unto the said Prisoner, to be paid the second Day of every Week so long as he or she shall continue in Prison at his, or their Suit; on Failure of the Payment of which weekly Sum at any Time, the said Prisoner shall forthwith, upon Application to the Court, or to any three Justices of the said Court in the Vacation, be discharged by such Order as aforesaid. But in case the said Prisoner shall refuse to take the said Oath or Affirmation, or having taken the same, shall be detected of Falsity therein he or she shall be presently remanded.

Creditors insisting on the Prisoner's being detained, must pay, &c. towards his Maintenance.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That no Person to be discharged by this Act, shall at any Time hereafter be imprisoned by reason of any Judgment or Decree obtained for Payment of Money only, or for any Debt, Damages, Contempts, Costs, Sum or Sums of Money, contracted, occurred, occasioned, owing, or growing due, before the Time of his or her Discharge; but that upon every Arrest upon every such Judgment or Decree, or for such Debts, Damages or Contempts, Costs, Sum and Sums of Money, it shall and may be lawful for any Judge of the Court where the Process issued, upon shewing the Duplicate of such Prisoner's Discharge or Discharges, to release and discharge out of Custody such Prisoner or Prisoners as aforesaid, and the Judge is hereby impowered so to do; so as every such Prisoner or Prisoners arrested or detained upon Execution or mesne Process, do give a Warrant of Attorney to appear to every such Action, and to plead thereunto.

No Person discharged by this Act to be hereafter imprisoned for any Debt &c. due before his Discharge.

2 Rowe in 1088.
4 1262
2 1196
1 Ventris 356

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Action of Escape, or any Suit or Action be brought against any Justice or Justices of the Peace, Sheriff, Goaler or Keeper of any Prison, for Performing their Office in Pursuance of this Act, they may plead the General Issue and give this Act in Evidence; and if the Plaintiff be nonsuited, or discontinue his Action, or Verdict pass against him, or Judgment upon Demurrer, the Defendant shall have treble Costs.

Justices, Sheriffs, &c. may plead the General Issue, &c.

PROVIDED, That the Discharge of any Person by virtue of this Act shall not acquit any other Person from such Debt, Sum or Sums of Money, or any Part thereof; but that all others shall be answerable for the same in such Manner as before the Passing of this Act.

AND PROVIDED, That this Act shall not extend to discharge any Person out of Prison who shall stand chargeable at the Suit of the Crown only.

PROVIDED ALWAYS, AND BE IT ENACTED, by the Authority aforesaid, That notwithstanding the Discharge of the Person of such Prisoner or Prisoners as aforesaid, all and every Debt and Debts, due or owing from the said Prisoner or Prisoners, and all and every Judgment or Judgments had and taken, and Decree obtained against him or her, shall stand and be good and effectual in the Law to all Intents and Purposes, against the Lands, Tenements, Hereditaments, Goods and Chattels of the said Prisoner so discharged as aforesaid, which he, she or they, or any other Person or Persons in Trust for him, her or them, at the Time of such Discharge hath or have, or at any Time hereafter shall or may be anyways seized or possessed of, interested in or entitled to either in Law or Equity, except his, her or their Wearing Apparel, Bedding for his, her or their Families, and Working Tools and Implements necessary for his, her or their Occupations, not exceeding the Value of *Five Pounds* in the Whole; and it shall and may be lawful to and for such Creditor or Creditors of such Prisoner or Prisoners so discharged as aforesaid, his, her or their Executors or Administrators, to take out a new Execution against the Lands, Tenements, Hereditaments, Goods and Chattels of such Prisoner or Prisoners (except as are before excepted) for the Satisfaction of his, her or their Debts, in such Sort, Manner and Form, as he, she or they might have done if the Person or Persons of such Prisoner or Prisoners had never been taken in Execution; any Act, Statute, Law or Custom to the contrary in anywise notwithstanding.

Notwithstanding the Prisoner's Discharge, Judgment to stand good against him what he may hereafter possess, &c.

And the Creditors may take out a new Execution, &c.

PROVIDED ALSO, AND BE IT FURTHER ENACTED, by the Authority aforesaid, That if any such Person who shall take such Oath or Affirmation as aforesaid, shall, upon any Indictment for Perjury in any Matter or Particular contained in the said Oath or Affirmation, be convicted by his or her own Confession, or by Verdict of Twelve Men, the Person so convicted shall suffer all the Pains and Forfeitures which may by Law be inflicted on any Person convicted of wilful Perjury; and shall likewise be liable to be taken on any Process *de novo*, and charged in Execution for the said Debt, in the same Manner as if he or she had never been discharged or taken in Execution before; and shall never after have the Benefit of this Act.

Prisoner convicted of Perjury, shall suffer, &c.

PROVIDED ALSO, AND BE IT FURTHER ENACTED by the Authority aforesaid, That if the Effects so assigned shall not extend to satisfy the whole Debts due to the Creditors of the Person or Persons so discharged, and the Fees due to the Goaler, there shall be an Abatement in Proportion, and such Goaler shall come in as a Creditor for what shall be then due to him for his Fees, in Proportion with the other Creditors.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That where there are mutual Debts between the Debtor or Debtors and his, her or their Creditors, or if either Party sue or be sued as Executor or Administrator, where there are mutual Debts between the Testator or Intestate and either Party, one Debt may be set against the other, and such Matter may be given in Evidence upon the General Issue, or pleaded in Bar as the Nature of the Case shall require; so as at the Time of the Pleading the General Issue, where any such Debt of the Plaintiff, his Testator or Intestate, is intended to be insisted on in Evidence, Notice shall be given of the particular Sum or Debt so intended to be insisted on, and upon what Account it became due, or otherwise such Matter shall not be allowed in Evidence upon such General Issue.

Where there are mutual Debts, one may be set against the other, &c.

Landlords may recover one Year's Rent as before this Act.

PROVIDED, That where any Rent ſhall be due from any Priſoner or Priſoners at the Time of his or their reſpective Diſcharges, no Goods or Chattels then lying or being in or upon the reſpective Tenements or Lands ſo in Leaſe, or liable to be diſtrained, ſhall be removed or diſpoſed of without the Conſent of the Landlord or Perſon to whom the Rent is due, until the ſame, not exceeding one Year's Rent, be paid or ſatisfied; and that the Landlord may uſe all lawful Ways for the having and recovering his Rent, ſo as the ſame exceed not one Year's Rent, by Diſtreſs or otherwiſe, as he might have had or could have done before the making of this Act; any thing herein contained to the contrary in anywiſe notwithſtanding.

No abſent or diſtant Creditor barred by this Act.

AND PROVIDED ALSO, That this Act ſhall not bar any abſent or diſtant Creditor, who had not Notice of the Priſoner's Application to the Court as aforeſaid.

p. 61.

AND WHEREAS, by an Act of Aſſembly of this Province, entituled, *An Act for better determining Debts and Demands under Forty Shillings*, Power is given to any one Juſtice of the Peace, to hear and determine any Debt or Demands under *Forty Shillings*, and upon Judgment given to award Execution againſt the Body and Goods or Effects of the Defendant; in Purſuance of the Execution of which Law many poor Perſons have been taken and impriſoned a long Time for very ſmall Sums of Money, to the utter Ruin of their Families, and without any real Benefit to the Creditors; And forasmuch as it will be a very great Hardſhip and Charge upon a poor Priſoner confined for a ſmall Debt, to oblige him or her to apply to be diſcharged in the Manner directed by this Act for Perſons impriſoned for a greater Sum; THEREFORE, for the Eaſe of ſuch poor Perſons, BE IT ENACTED by the Authority aforeſaid,

How Priſoners for Debt under Forty Shillings may be relieved.

That where any Perſon or Perſons ſhall be charged in Execution for any Sum of Money not exceeding in the Whole the Sum of *Forty Shillings*, beſides Coſts of Suit, ſuch Perſon or Perſons may, by Petition, apply to any two Juſtices of the Peace of the County or City where he or ſhe is impriſoned, and therein ſet forth the Truth of his or her Caſe, with a true Account of his or her whole Effects; which Juſtices ſhall thereupon give reaſonable Notice to the Plaintiff or Creditor to appear before them at a certain Day and Place, to ſhew if that the ſaid Debtor or Debtors have ſome Effects that he or ſhe will not diſcover and yield up for Payment of the Debt and Coſts; at which Day the Defendant or Defendants ſhall make ſuch Oath or Affirmation as in the Caſe of other Debtors is by this Act directed to be taken, the Word *Five Pounds* in the ſaid Oath only excepted; and the Word *Twenty Shillings* in the Caſe of a ſingle Perſon, and the Word *Fifty Shillings* in the Caſe of a married Perſon, to be taken or inſerted inſtead thereof. And if the Plaintiff or Creditors ſhall upon Notice given as aforeſaid, neglect or refuſe to appear, or appearing and not making out to the ſaid Juſtices that the Debtor hath omitted to diſcover ſome of his or her Effects in his or her Petition, or to ſhew any Probability of his or her being forſworn in the ſaid Oath or Affirmation, then the ſaid Juſtices ſhall immediately cauſe the ſaid Priſoner to be diſcharged, upon his or her making an Aſſignment to the Plaintiff, on the ſaid Petition, of all the Effects contained therein, the Wearing Apparel, to the Value of *Twenty Shillings*, if a ſingle Perſon, and to the Value of *Fifty Shillings*, if a married Perſon, only excepted; and the Perſons of the Debtor or Debtors ſhall never after be arreſted for the ſame Debt or Coſts.

Sheriff, Under Sheriff, &c. ſhall not carry Perſons arreſted to any Tavern, &c without their Conſent.

Nor ſhall demand extravagant Fees or Rewards, &c.

Nor ſhall keep Perſons arreſted in any publick or private Houſe, with or without their Conſent above 20 Days.

Juſtices of the Court of Common-Pleas to make Orders for regulating Expences, &c

Officers ſhall permit Priſoners to ſend for Neceſſaries where they pleaſe

AND WHEREAS many Perſons may ſuffer by the Oppreſſion and Exactions of Goalers, and other inferior Officers in the Execution of Proceſs for Debt: For Prevention whereof, BE IT FURTHER ENACTED by the Authority aforeſaid, That no Sheriff, Under-Sheriff, Bailiffs, or other Officer or Miniſter whatſoever, ſhall at Time or Times hereafter, convey or carry, or cauſe to be conveyed or carried, any Perſon or Perſons by him or them arreſted, or being in his or their Cuſtody, by Virtue or Colour of any Writ, Proceſs or Warrant, to any Tavern, Alehouſe, or other publick Victualling or Drinking Houſe, or to the private Houſe of any ſuch Officer, without the voluntary Conſent of the Perſon ſo taken or arreſted; nor charge, demand, take or receive, or cauſe to be demanded, taken or received, directly or indirectly, any other or greater Sum or Sums of Money than is or ſhall be by Law allowed to be taken or demanded, for ſuch Arreſt, Taking, Detaining or Waiting till the Perſon or Perſons ſo arreſted or in Cuſtody ſhall have given in an Appearance or Bail as the Caſe ſhall require, or agreed with the Perſon or Perſons at whoſe Suit or Proſecution he, ſhe or they ſhall be taken or arreſted, or until he, ſhe or they ſhall be ſent to the proper Goal belonging to the County, City, Town or Place where ſuch Arreſt or Taking ſhall be; nor ſhall keep the Perſon or Perſons ſo taken or arreſted in any Tavern, Alehouſe, or other publick Victualling Houſe, or private Houſe of any Officer, with or without the Conſent of the Perſons ſo arreſted, above the Space of Twenty Days; nor ſhall exact or take any Reward, Gratuity or Money for keeping the Perſon or Perſons ſo arreſted or in Cuſtody out of Goal or Priſon, nor ſhall take or receive any other or greater Sum or Sums of Money for one or more Night's Lodging, or for a Day's Diet, or other Expences, than what ſhall be allowed as reaſonable in ſuch Caſes, by ſome Order or Orders to be made by the Juſtices of the reſpective Courts of Common-Pleas within this Province, at ſome Court to be held for ſuch County, City, Town or Place where ſuch Arreſt or Taking ſhall be; who are hereby authoriſed and required, with all convenient Expedition, to make ſome ſtanding Order or Orders for aſcertaining ſuch Expences within their reſpective Counties or Cities.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That every Sheriff, Under-Sheriff, Goaler, Keeper of any Priſon or Goal, or other Perſon or Perſons whatſoever, to whoſe Cuſtody or Keeping any one ſo arreſted or taken ſhall be committed, on any Pretence ſhall permit and ſuffer him, her or them ſo arreſted or taken, at his, her or their Will and Pleaſure to ſend for and have any Beer, Ale, Victuals, or other neceſſary Food from what Place they pleaſe; and alſo have and uſe ſuch Bedding, Linnen and other Things as he, ſhe or they ſhall think fit, without purloining or detaining the ſame, or any Part thereof, or inforcing or requiring him, her or them to pay for the having or uſing

ing thereof, or putting any Manner of Reſtraint or Difficulty upon him, her or them in uſing thereof, or relating thereto.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Fees ſhall be taken by any Goalet or Keeper of any Goal or Priſon within this Province, for any Priſoner or Priſoners Commitment, or coming into Goal, or Chamber-Rent there, or Diſcharge from thence, or other Expences, than what ſhall be allowed by Law, until ſuch Fees ſhall be ſettled and eſtabliſhed by the Juſtices or Judges of the reſpective County Courts, and other Courts of Record within this Province, for and in reſpect of the Counties and Courts to which they belong; who are hereby directed, impowered and required to ſettle and eſtabliſh the ſame as ſoon as conveniently may be: And Tables ſhall be made of the reſpective Orders, Rules and Fees ſo ſettled and eſtabliſhed, and ſigned by the Juſtices or Judges of the reſpective County-Courts, Courts of General Quarter-Seſſions of the Peace, and other Courts of Record for their reſpective Goals within their reſpective Juriſdictions; and ſigned by the Mayor, Recorder and Aldermen, for and in reſpect of the Courts of Record held before the Mayor, Recorder and Aldermen of the City of *Philadelphia*; which Rules, Orders and Fees may from Time to Time be enlarged, reformed or altered and amended as Occaſion ſhall require, by the Judges of the Supreme Court, by Rules and Orders of the ſaid Court to be ſigned by the Judges of the ſame; and Duplicates ſhall be tranſmitted to the reſpective County-Courts, and other Courts of Record for which they are made, to be entered of Record and inrolled without any Fee to be taken for the Inrollment thereof.

Juſtices ſhall ſettle Tables of Fees, &c.

Which Tables of Fees, &c. may be altered & amended; and ſhall be entered on Record.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſeveral Courts of Common-Pleas, and other Courts of Record in the ſeveral Counties and Cities of this Province, ſhall at every Time of the Sitting or Meering of ſuch Court or Courts, inquire whether ſuch Tables of Fees, and ſuch Rules as aforeſaid, be hung up and remain publick and eaſy to be reſorted to in the ſeveral Priſons to the ſaid Courts reſpectively belonging, and whether the ſame be duly complied with and obſerved; and cauſe eight Days Notice to be given to the Priſoners in the ſaid Priſon, of the Time appointed for ſuch Inquiry; and ſhall inform themſelves, touching the ſame, in the beſt Manner they can, and ſupply and redreſs whatever they find neglected or tranſgreſſed: And that the Judges of the Courts of Oyer and Terminer, and General Goal Delivery, ſhall likewiſe make Inquiry of the Matters aforeſaid, at all ſuch Courts and Seſſions of Goal Delivery within this Province, for and in reſpect of the Goals and Priſons within their reſpective Juriſdictions; and ſhall expreſſly give it in Charge to the Grand-Jury to inquire concerning the ſame.

Courts to enquire concerning the Tables of Fees, &c.

AND for the more ſpeedy puniſhing Goalers, Bailiffs, and others imployed in the Execution of Proceſs, for Extortions or other Abuſes in their reſpective Offices and Places; BE IT FURTHER ENACTED by the Authority aforeſaid, That upon the Petition of any Priſoner or Perſon, being or having been under Arreſt or in Cuſtody, complaining of any Exaction or Extortion by any Goaler, Bailiff or other Officer or Perſon imployed in the keeping or taking Care of any Goal or Priſon, or the arreſting or apprehending of any Perſon or Perſons, by Virtue of any Proceſs or Wartant, or any other Abuſe whatſoever, committed or done in their reſpective Offices or Places, unto any of His Majeſty's Courts of Record within this Province, from whence ſuch Proceſs iſſued, or under whoſe Power ſuch Goal or Priſon is; or to any two Juſtices of ſuch Court in the Time of Vacation; or to the Judges of the Supreme Court, or any of them, in their reſpective Seſſions of Oyer and Terminer or General Goal-Delivery; it ſhall and may be lawful for the ſaid Court, Juſtices or Judges to hear and determine the ſame in a ſummary Way, and to make ſuch Order thereupon for redreſſing ſuch Abuſe, and puniſhing of ſuch Officer or Perſon complained of, and making Reparation to the Party or Parties injured, as they ſhall think juſt, together with the full Coſts of ſuch Complaint, and all Orders and Determinations which ſhall be made by the ſaid Courts, or of the ſaid Juſtices or Judges reſpectively, in ſuch ſummary Way as herein preſcribed, ſhall have the ſame Effect, Force and Virtue, to all Intents and Purpoſes, as any other Orders of the ſaid reſpective Courts; and Obedience thereunto may be inforced, either by Attachments ordered by the ſaid reſpective Courts, or by Attachments to be iſſued under the Seal of the ſaid Courts, by Direction of the Juſtice or Judge making ſuch Order.

How Goalers, &c guilty of Extortion, ſhall be puniſhed.

AND for the preventing Priſoners being impoſed upon, by being under a Neceſſity of ſpending their Money in Priſons where ſtrong Liquors are ſold, BE IT ENACTED by the Authority aforeſaid, That no Goaler or Keeper of any Goal, or any Sheriff, or Under-Sheriff having the Care or Keeping of any Goal or Priſon within the Province of *Pennſylvania*, ſhall keep or ſuffer to be kept any Tavern, Publick-houſe or Ale houſe, or ſhall utter or ſell to any Perſon or Perſons under Arreſt, or in Priſon, any Wine, Rum, Beer, Ale, Cyder, Punch, or any other ſtrong Liquors, other than what ſhall be allowed by the Juſtices as aforeſaid for a Day's Diet or Expences by ſuch Order to be made as aforeſaid, on Pain of being removed from his or their Office or Offices of Sheriff Under-Sheriff or Goaler, upon Complaint made, to be heard and determined upon Petition in a ſummary Way as aforeſaid, before the Juſtices in the reſpective Courts of Common Pleas for the County to which ſuch Goaler, Sheriff, or Under Sheriff having the keeping of any Goal, does belong.

No Sheriff, Under-Sheriff or Goaler, to keep any Tavern, &c.

AND for the more effectual preventing Oppreſſions to His Majeſty's Subjects within this Province: BE IT FURTHER ENACTED by the Authority aforeſaid, That no Sheriff within this Province ſhall continue in his Office of Sheriff, or occupy the ſaid Office above Three Years; and that no Man who hath been Sheriff or Under Sheriff of any County by the Space of Three Years, ſhall be choſen Sheriff of that County again within Three Years next enſuing, upon Pain of Forfeiting *Two Hundred Pounds* by him who ſhall occupy his Office contrary to the Effect and Intent of this Act.

No Sheriff to continue in his Office above 3 Years.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That one Act of General Aſſembly

of

of this Province, entituled, *An Act about Arreſts and making Debtors pay by Servitude*, be, and is hereby repealed and made void. p. 39.

Paſſed *February* 14th. 1729-30. Recorded A, Vol. 2. p. 397.

CCCII. *An* ACT *for continuing the Encouragement for raiſing good Hemp within this Province, and impoſing certain Penalties on Perſons manufacturing or working-up unſound and unmerchantable Hemp into Cordage and Cables.* Repealed by Act of Aſſembly 5 Geo. II.

Paſſed *February* 14*th*. 1729-30. Recorded A, Vol. 2. p. 404.

CCCIII. *An* ACT *to remove the Truſtees of the General Loan-Office of* Pennſylvania, *and appointing others to execute the ſaid Truſt.* Obſolete.

Paſſed *Auguſt* 15*th*. 1730. Recorded A, Vol. 2. p. 407.

CCCIV. *An* ACT *to prevent the Erecting Wears, Damms, &c. within the River* Schuylkill. Repealed by *Act of Aſſembly* I. Geo. III.

Paſſed *Auguſt* 15*th*, 1730. Recorded A. Vol. 2. p. 410.

IV. Geo. II. A. D. 1730

CCCV. *An* ACT *for Re-emitting and continuing the Currency of ſuch Bills of Credit of this Province as by former Acts are directed to be ſunk and deſtroyed.* Obſolete.

Paſſed *February* 6*th*, 1730-31. Recorded A, Vol. 2. p. 388.

CCCVI. *An* ACT *for the enabling Religious Societies of Proteſtants within this Province, to purchaſe Lands for Burying-Grounds, Churches, Houſes for Worſhip, Schools, &c.*

WHEREAS ſundry Religious Societies of People within this Province, profeſſing the Proteſtant Religion, have at their own reſpective Coſts and Charges purchaſed ſmall Pieces of Land within the Province of *Pennſylvania*, and thereon have erected Churches, and other Houſes of Religious Worſhip, School-Houſes, and Alms-Houſes, and incloſed part of the ſame Lands for Burying-Grounds: AND WHEREAS the ſaid Lands were purchaſed, and paid for by the ſaid reſpective Societies, in the Name or Names of Perſons at that Time being of or profeſſing themſelves to be of the ſame Religious Perſuaſion with the Societies, who made Uſe of the Names of the ſaid Perſons, as Truſtees for and in Behalf of the ſaid Societies:

AND WHEREAS ſome of the ſaid Truſtees or their Heirs having afterwards changed their Opinions, and joined themſelves to other Religious Societies of a different Perſuaſion from the People by whom the ſaid Perſons were at firſt entruſted, and upon Pretext of their having the Fee-ſimple of the Lands ſo purchaſed in their Names, veſted in them, have contary to the true Intent and Meaning of the firſt Grant or Gift, attempted (by granting away the ſaid Lands, Houſes of Religious Worſhip and Burying-Grounds) to deprive the Society of People in Poſſeſſion of the ſame, of the Right and Uſe of the ſaid Houſes of Worſhip, and Burying-Grounds, to the great Diſquiet and Uneaſineſs of many of the good People of this Province; and others being intruſted in the like Manner may hereafter do the ſame For Remedy whereof, and for the better ſecuring the ſeveral Religious Societies in the quiet and peaceable Poſſeſſion of their Churches, Houſes of Worſhip, School-Houſes, and Alms-Houſes, and Burying-Grounds within this Province,

BE IT ENACTED by the Honourable PATRICK GORDON, Eſq; Lieutenant Governor of the Province of *Pennſylvania*, and of the Counties of *New-Caſtle*, *Kent*, and *Suſſex* on *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That all Sales, Gifts or Grants made of any Lands or Tenements within the Province of *Pennſylvania*, to any Perſon or Perſons in Truſt, for Scites of Churches, Houſes of Religious Worſhip, Schools, Alms-Houſes, and for Burying Grounds, or for any of them, ſhall be and are hereby ratified and confirmed to the Perſon or Perſons to whom the ſame were ſold, given, or granted, their Heirs and Aſſigns, in Truſt nevertheleſs, and for the Uſe of the reſpective Religious Societies, for whoſe Uſe the ſame were at firſt ſold, given, granted or purchaſed, according to the true Intent and Meaning of ſuch Gifts or Grants: And that every Sale, Gift, Grant or Deviſe of any ſuch Truſtee or Truſtees, or any Perſon or Perſons in whoſe Name or Names the ſaid Lands for erecting Churches, Houſes of religious Worſhip, Schools, Alms-Houſes or Burying-Grounds, within this Province, were purchaſed, taken or accepted, or the Heirs or Aſſigns of ſuch Truſtees, ſhall be and are hereby declared to be for the ſole Uſe, Benefit and behoof of the ſaid reſpective Societies who have been in the peaceable Poſſeſſion of the ſame for the Space of Twenty-one Years, next before the *Tenth* Day of *June*, in the Year of our Lord *One Thouſand Seven Hundred and Thirty*, or for whoſe Uſe the ſame were at firſt given, granted or deviſed, and no other.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That it ſhall and may be lawful to and for any religious Society of Proteſtants within this Province, to purchaſe, take and receive, by Gift, Grant, or otherwiſe, for Burying-Grounds, erecting Churches, Houſes of religious Worſhip, Schools and Alms-Houſes,

Houſes, for any Eſtate whatſoever, and to hold the ſame for the Uſes aforeſaid, of the Lord of the Fee by the accuſtomed Rents.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforeſaid, That nothing in this Act contained, ſhall be deemed, taken, or conſtrued to enable any of the ſaid Religious Societies of People, or any Perſon or Perſons whatſoever, in Truſt for them, or to their Uſe, to purchaſe, take, or receive, any Lands or Tenements, by Gift, Grant, or otherwiſe, for or towards the Maintenance, or Support of the ſaid Churches, Houſes of Worſhip, Schools or Alms-Houſes, or the People belonging to the ſame, or for any other Uſe or Purpoſe, ſave for the Uſes in this Act before-mentioned.

PROVIDED ALSO, That this Act, nor any Thing therein contained ſhall be deemed or conſtrued to impeach the juſt Right or Title, which any Perſon or Perſons may have to any of the Lands or Tenements herein before-mentioned, ſo that they proſecute ſuch their Right or Claim within the Space of *Three* Years next after the Publication of this Act.

Paſſed *February 6th*, 1730-31. Recorded A, Vol. 2. p. 418.

CCCVII. *An* ACT *for Amendment of the Law, intituled,* An Act for Relief of inſolvent Debtors.

WHEREAS ſundry idle and ill-diſpoſed Perſons who were indebted before the Commencement of an Act of Aſſembly of this Province, intituled, *An Act for the Relief of Inſolvent Debtors*, have very much abuſed their Creditors, and diſappointed the good Intentions of the Legiſlature in making the ſaid Act; and eſpecially ſingle or unmarried Perſons, who were indebted in ſmall Sums of Money, which they could eaſily have paid by their Labour, have taken the Advantage of the ſaid Act of Aſſembly, by procuring themſelves to be diſcharged as Inſolvent Debtors; by Means whereof, many Creditors of low Circumſtances have loſt their Debts and been obliged to pay the Coſts of Suit: BE IT THEREFORE ENACTED by the Honourable PATRICK GORDON, Eſq; Lieutenant Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That no Perſon or Perſons whatſoever ſhall have any Benefit of the aforeſaid Act of Aſſembly for the Relief of Inſolvent Debtors, for any Sum or Sums of Money which they owed before the making of the ſaid Act, except ſuch Perſons as were actually Priſoners in ſome of the publick Goals of this Province, on or before the Firſt Day of *Auguſt*, in the Year *One Thouſand Seven Hundred and Thirty*, any Thing in the ſaid Act to the contrary in any wiſe notwithſtanding. p. 123. Who ſhall have the Benefit of that Act.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That no Perſon or Perſons, being unmarried and under the Age of Forty Years, having no Charge of Children; and being, or that ſhall be indebted to any one or more Perſons in any Sum or Sums of Money in the whole not exceeding Twenty Pounds, ſhall have any Benefit of the aforeſaid Act of Aſſembly; but ſuch Perſon or Perſons ſhall be liable to be arreſted and impriſoned for their reſpective Debts, as if the ſaid Act of Aſſembly had never been made. Single Perſons indebted for ſmall Sums to have no Benefit.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforeſaid, That any Perſon or Perſons within this Province, that ſhall be arreſted and impriſoned for any Debt, Sum or Sums of Money or other Thing which was owing by them before the Firſt Day of *Auguſt* laſt paſt; and that any ſingle Perſon under the Age of Forty Years aforeſaid, having no Charge of Children, and whoſe Debts in the whole do not exceed Twenty Pounds, whether the Debts owing by ſuch Perſon were contracted before the ſaid Firſt Day of *Auguſt* laſt, or ſince that, or ſhall hereafter be contracted, and being arreſted or impriſoned for the ſame or any Part thereof, may at any ſucceeding Court to be held for the City or County where he or ſhe is impriſoned, next after his or her Impriſonment, exhibit to the Juſtices of the ſaid Court upon Oath or Affirmation, an Account of all their Effects, to which they have any Right in Law or Equity, and the Names of their Creditors, at whoſe Suit ſuch Perſon is impriſoned, and the Sums of Money which they owe, and when the ſame became due as far as his or her Knowledge does extend, and ſhall by Petition ſhew to the Court their Inability to pay the Debts for which ſuch Perſon is impriſoned, and ſhall make an Aſſignment of their Effects to any Perſon that ſhall be appointed by the Court, in Truſt for his or her Creditors, or for ſuch of them as the ſaid Court ſhall direct, and ſhall ſignify his or her Willingneſs to make Satisfaction by Servitude, for the Reſidue of the Debt, the Party petitioning ſhall be diſcharged, as by an Act of Aſſembly of this Province, Intituled, *An Act about Arreſts, and making Debtors pay by Servitude*, is provided: which ſaid Act of Aſſembly is hereby revived, and declared to be and continue in full Force for the Purpoſes in this Act mentioned, any Thing in the aforeſaid Act of Aſſembly *for Relief of Inſolvent Debtors* contained to the contrary notwithſtanding. p. 39.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Perſon or Perſons who have not reſided within this Province for the Space of two Years, next before his or her Impriſonment, ſhall have the Benefit of the aforeſaid *Act for Relief of Inſolvent Debtors*, New Comers to have no Benefit by that Act.

PROVIDED NEVERTHELESS, That if the Perſon at whoſe Suit any Perſon is arreſted, ſhall refuſe or neglect to give Security for Payment of ſuch weekly Allowance, for Maintenance of the Defendant, as the Juſtices of the Court where the ſaid Suit is depending, ſhall direct and award, and alſo give Security that the ſaid Defendant or Defendants, his or their Wife or Children, nor any of them ſhall become chargeable to the Town or County where ſuch Perſon or Perſons are impriſoned; It ſhall and may be lawful for the Juſtices of the ſaid reſpective Courts of Common Pleas within this Province, and they are hereby required in ſuch Caſe, to cauſe the Action or Actions againſt the Perſon or Perſons ſo impriſoned to be diſcontinued, and the Parties thereupon to be diſcharged.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person be imprisoned in any City or County of this Province for any Debt under *Forty Shillings*, having no Effects to pay the same, and shall be willing to make Satisfaction by Servitude, it shall and may be lawful for any two Magistrates, in any County or City within this Province where the Party is imprisoned, to proceed to relieve the Party so imprisoned, by judging such Debtor to make Satisfaction by Servitude.

Clause to the former Act explained.

AND WHEREAS some Doubts have arisen concerning the Meaning of some part of the aforesaid Act of Assembly *for Relief of Insolvent Debtors*, touching the Time of Sheriff being capable to hold his Office in any County of this Province, and the Uses to which the Fine of *Two Hundred Pounds*, imposed on any Person occupying the Office of Sheriff contrary to the Directions of the said Act, shall be applied; Therefore for the Removing any Doubts that have arisen, or may arise concerning that part of the aforesaid Act; BE IT ENACTED by the Authority aforesaid, And it is hereby declared to be the true Intent and Meaning of the aforesaid Act of Assembly, that no Sheriff who had been elected, and who had occupied the Office of a Sheriff or Under-Sheriff, in any County of this Province for the Space of Three Years at one Time, shall be again elected Sheriff for the said County, or serve or occupy the Office of a Sheriff in the same County, within the Space of Three Years next after his being Sheriff as aforesaid. And it is hereby Enacted and Declared, That of the Two Persons elected for the Office of Sheriff and returned to the Governor, one being commissionated, the other shall not act as Under-Sheriff to the Person appointed Sheriff, during the Term of the said Sheriff's Commission. And that if any Sheriff or Under-Sheriff within this Province, shall be elected contrary to the true Intent and Meaning of this Act, and the aforesaid Act of Assembly, such his Election shall be null and void, and if any such Sheriff, or Under-Sheriff shall again enter upon and occupy the Office of a Sheriff contrary to the Directions and Provision made in and by this and the last mentioned Act of Assembly, he shall forfeit and pay the Sum of *Two Hundred Pounds*, as in the said Act is directed, one Moiety thereof to the Person or Persons who will inform or sue for the same, and the other Half to be paid to the Provincial Treasurer, towards the Support of Government, to be recovered by Action of Debt, Bill, Plaint or Information, wherein no more than one Imparlance shall be allowed; and that no Pardon, *Noli prosequi*, or other Act of the Governor or Lieutenant Governor for the time being, shall be any Bar or Hindrance to the suing for, Recovering and Levying the said Fine for the Uses aforesaid.

Passed *February 6th*. 1730-31. Recorded A, Vol. 2. p. 419.

CCCVIII. *An* ACT *for the better Prevention of Accidents that may happen by Fire in the City of* Philadelphia, *by Bake-Houses and Coopers-Shops.*

How Coopers Shops must be built.

How Bake-Houses must be built.

FOR the further securing the Inhabitants of the City of *Philadelphia*, from the Dangers that may happen by Fire, BE IT ENACTED by the Honourable PATRICK GORDON, Esq; Lieutenant Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Representatives of the Freemen of the said Province in General Assembly met, and by the Authority of the same; That from and after the Space of *Sixteen* Months next ensuing the Publication of this Act, no Person whatsoever within the said City, by himself, his Agents, Journeymen, or Servants, shall occupy the Trade of a Cooper or Baker, but in such Shops, or Places, as are built in the Manner herein respectively directed and appointed, that is to say; That no Person after the Time aforesaid, shall occupy the Trade of a Cooper, within the said City, but in a Shop or Place built of Brick or Stone, with a large Chimney in the same, the Cieling thereof plaistered, no Stairs nor Passage up the Loft within such Shop, and the Floor thereof to be Earth, or laid with good Two-Inch Oak Plank. And that no Person after the time aforesaid, within the said City, shall occupy the Trade of a Biscuit, or Soft-bread-Baker, but in a Bake House built of Brick or Stone, and arched over with Brick, if the Place will admit thereof, or otherwise to be well cieled with Plaistering; the Floor of the said Bake-House paved with Brick or Stone; the Crown of the Oven to be secured by carrying up the Foundation-Walls square, and filling the same with Gravel or Sand, at least Six Inches higher than the Top of the Oven; and the Chimney to be arched in the said Bake House, without any Timber in or near adjoining to the same.

Penalty on Offenders against this Act.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons, from and after the Time aforesaid, shall presume by themselves, their Agents, Journeymen or Servants, to occupy the Trade of a Cooper, or Biscuit or Soft-bread Baker, or either of them within the City aforesaid, in any Shop or Place other than is above directed, enjoyned and appointed; every Person so offending, for every Month he, she, or they shall occupy the Trades of Baker or Cooper, or either of them, in any Shop or Bake-House, contrary to the Directions of this Act, shall forfeit as herein after is provided; that is to say, for the first Offence, the Sum of *Twenty Shillings*; and for the second Offence, the Sum of *Thirty Shillings*; and for the third, and every other Offence, the Sum of *Forty Shillings*; to be recovered upon Complaint made in the Name of the Clerk of the Market for the City of *Philadelphia*, or in the Name of any other Person who will give Information of the same, for and towards the Repair of Fire-Engines, and purchasing Leathern Buckets, before two Magistrates of the said City, whereof the Mayor for the time being to be one.

PROVIDED ALWAYS, That if any Person or Persons shall find him, her, or themselves aggrieved with any Judgment or Sentence of the said two Magistrates, it shall and may be lawful for the Person or Persons

Perſons ſo aggrieved, to appeal to the next Court of Common-Pleas, to be held for the City and County of *Philadelphia* aforeſaid, whoſe Judgment therein ſhall be definitive,

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Perſon whatſoever within the City aforeſaid, from and after the *Tenth* Day of *May* next enſuing, ſhall keep, or ſtack any Hay within *One Hundred* Feet of any Dwelling-Houſe, or other Building, (except it be in a Stable or other ſecure Houſe) nor ſhall keep any greater Number of Faggots than *Two Hundred*, unleſs it be at a Diſtance of *One Hundred* Feet from any Dwelling-Houſe or other Building, under the Penalty of *Ten Shillings* for every Offence; which Penalties ſo accruing, ſhall be recovered, and applied in the Manner, and to the Uſe aforeſaid, with Coſts of Suit; and the Hay and Faggots ſo remaining againſt the Tenor of this Act, ſhall be liable to be removed, in ſuch Sort, Manner and Form, as any Nuſance may be by the Laws of *Great-Britain*, or this Province,

Keeping of Hay and Faggots regulated.

Paſſed *February* 6th. 1730-31. Recorded A, Vol. 2. p. 421.

CCCIX. *A* SUPPLEMENT *to the Law, entituled, An Act to prevent the Killing of Deer out of Seaſon, and againſt carrying of Guns and Hunting by Perſons not qualified.* Repealed by Act of Aſſembly, Vol. 2. p. 30.

Paſſed *February* 6th, 1730-31. Recorded A, Vol. 2. p. 422.

CCCX. *An* ACT *for the better enabling divers Inhabitants of the Province of* Pennſylvania *to hold Lands; and to inveſt them with the Privileges of natural-born Subjects of the ſaid Province.*

WHEREAS by the Encouragement given by the Honourable *William Penn*, Eſq; late Proprietary and Governor of the Province of *Pennſylvania*, and by the Permiſſion of his late Majeſty King GEORGE the Firſt, of bleſſed Memory, and his Predeceſſors Kings and Queens of *England*, &c, divers Proteſtants who were Subjects to the Emperor of *Germany*, a Prince in Amity with the Crown of *Great-Britain*, tranſported themſelves and Eſtates into the Province of *Pennſylvania*, and ſince they came hither have contributed to the Enlargement of the *Britiſh* Empire, and have always behaved themſelves religiouſly and peaceably, and have paid a due Regard and Obedience to the Laws and Government of this Province.

AND WHEREAS many of the ſaid Perſons, to wit, *Peter Wentz, Martin Kolb, Dielman Kolb, Jacob Kolb, Michael Ziegler, Paul Fried, Johannes Fried, Hans Datweiller, Valentine Huntſucker, Jacob Scheimer, Johannes Kocken, George Markl, Hubbard Gaſſel, Johannes Leſeber, Jacob Herman, Gerhard Clements, Chriſtopher Zimmerman, Jacob Metz, Baſtian Smith, Mathias Gemelin, Ulrich Mayer, Chriſtian Bowman, Abraham Schwartz, Hermanus Kuſter, John Joder, John Joder*, jun. *Joeſt Joder, Philip Keilwein, Hans Hoch, Peter Endreas, John Dieterich Kreiner, Peter Balio, Abraham Levand, Iſaac Levand, Nicholas Leſcher, David Kouffman, Jean Bartolet, Hans Martin Gerich, Martin Schenkel, Jonathan Herbein, John Bowman, Arnold Huffnagle, Johannes Langenecker, Johannes Buckwalter, Johannes Extein, Iſaac Vanſintern, Johannes Dewalt End, Johannes George Bentzel, Blaſius Daniel Mackinet, Mathias Adams Hogermoed, Hans Rup, Lorence Belitz, Johann Nicholas Kreſsman, Chriſtopher Funck, John Joſeph Schrack, Philip Schrack, Johannes Schaffer, Jacob Selzer, George Rowſe, George Jager, Samuel Gouldin, Chriſtopher Goulain, Henry Pennebecker, Hans Sigfried, Peter Trexler, Henry Scheut, Jacob Hottleſtein, Daniel Langeneker, Hans Jacob Bechtley, Melchor Hoch, Jacob Hoch, George Hollenbeik, John Jacob Schrack, John George Reif, John George Reif*, jun. *Jacob Reif, Conrad Reif, Peter Reif, Antonius Hulman, Henry Antis, Gerhard Peters, John Iſaac Klein, Johannes Mayer, Samuel Hoch, John Snyder, George Bechtley, Joeſt Hendrick Zaatmentzhouſen*, all of *Philadelphia* County, *Marcus Hubl, John Keller, Jacob Kadrop, Johan Baker, Abraham Kinking*, of the City of *Philadelphia; Jacob Klemmer, Jacob Souder, Philip Keiſinger, George Buchman, John Drieſtle*, of the County of *Bucks*; *Chriſtian Mary, Johannes Roth, Caſpar Acker* and *Jacob Acker*, of the County of *Cheſter*, in Demonſtration of their Affection and Zeal for his preſent Majeſty's Perſon and Government, qualified themſelves by taking the Qualification and ſubſcribing the Declaration directed to be taken and ſubſcribed by the ſeveral Acts of Parliament, made for the Security of his Majeſty's Perſon and Government, and for preventing the Dangers which may happen by Popiſh Recuſants, &c. and thereupon, have humbly ſignified to the Governor and the Repreſentatives of the Freemen of this Province, in General Aſſembly met, that they have purchaſed and do hold Lands of the Proprietary, and others His Majeſty's Subjects within this Province, and have likewiſe repreſented their great Deſire of being made Partakers of thoſe Privileges which the natural-born Subjects of *Great Britain* do enjoy within this Province; and it being juſt and reaſonable that thoſe Perſons who have *bona fide* purchaſed Lands and who have given ſuch Teſtimony of their Affection and Obedience to the Crown of *Great Britain*, ſhould as well be ſecured in the Enjoyment of their Eſtates, as encouraged in their laudable Affection to and Zeal for the *Engliſh* Conſtitution,

BE IT ENACTED by the Honourable PATRICK GORDON, Eſq; Lieutenant Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That *Peter Wentz, Martin Kolb, Dielman Kolb, Jacob Kolb, Michael Ziegler, Paul Fried, Johannes Fried, Hans Datweiller, Valentine Hunſucker, Jacob Scheimer, Johannes Kocken, George Markl, Hubbard Gaſſel, Johannes Leſeber, Jacob Herman, Gerhard Clements, Chriſtopher Zimmerman, Jacob Metz, Baſtian Smith, Mathias Gemelin, Ulrich Mayer, Chriſtian Bowman, Abraham Schwartz, Hermanus Kuſter, John Joder, John Joder*, jun. *Joeſt Joder, Philip Keilwein, Hans Hoch, Peter Endreas, John Dieterich Kreiner, Peter Balio, Abraham Levand, Iſaac Levand, Nicholas Leſcher, David Kouffman, Jean Bartolett, Hans Martin Gerich, Martin Schenkel, Jonathan Herbein, John Bowman, Arnold Huffnagle, Johannes Langenecker, Johannes Buckwalter, Johannes Extein, Iſaac Vanſintern, Johannes Dewalt End, Johannes George Bentzel, Blaſius Daniel Makinet, Mathias Adams*

Adams Hogermoed, Hans Rup, Lorence Belitz, Johann Nicholas Kreſsman, Chriſtopher Funck, John Joſeph Schrack, Philip Schrack, Johannes Schaffer, Jacob Seltzer, George Rowſe, George Jager, *Samuel* Gordin, *Chriſtopher Gouldin, Henry Pennebecker,* Hans *Sigfried, Peter Trexler* Henry *Sheut, Jacob Hottleſtein, Daniel Langenecker, Hans Jacob Bechtley, Melchor Hoch, Jacob* Hoch, George Hollenbeck, John Jacob *Schrack,* John George *Reif,* John George *Reif* jun. *Jacob Reif, Conrad Reif, Peter Reif, Antonius* Hillman, Henry *Antis, Gerhard Peters,* John *Iſaac Klein, Johannes Mayer, Samuel* Hoch, John Shnyder, George *Bechtley, Joeſt* Hendrick *Zaatzmentzhouſſen,* all of *Philadelphia* County; *Marcus Hubl,* John *Keller, Jacob Kaſdrop, Johan Baker, Abraham Kinking,* of the City of *Philadelphia; Jacob Klemmer, Jacob Souder, Philip Keiſinger, George Bachman, John Driſtle* of the County of *Bucks; Chriſtian Mary, Johannes Roth, Caſpar Acker* and *Jacob Acker,* of the County of *Cheſter,* be and ſhall be to all Intents and Purpoſes, deemed, taken and eſteemed His Majeſty's natural-born Subjects of this Province of *Pennſylvania,* as if they and each of them had been born within the ſaid Province; and ſhall and may, and every of them ſhall and may, within this Province, take, receive, enjoy, and be intituled to all Rights, Privileges and Advantages of natural-born Subjects, as fully to all Intents, Conſtructions and Purpoſes whatſoever, as any of His Majeſty's natural-born Subjects of this Province can, do, or ought to enjoy, by Virtue of their being His Majeſty's natural-born Subjects of His Majeſty's ſaid Province of *Pennſylvania,*

Paſſed *Februaary 6th.* 17 31. Recorded A, Vol. 2. p. 423.

CCCXI. *An* A C T *for the Relief of* Benjamin Mayne, *with Reſpect to the Impriſonment of his Perſon.* Private Act.

Paſſed *February 6th,* 1730-31. Recorded A. Vol. 2. p. 425.

CCCXII. *An* A C T *to diſable* William Fiſhbourne *from holding any Office of Truſt, or Profit within this Province, and to ſecure the Payment of a provincial Debt due from the ſaid* William Fiſhbourne.

Paſſed *February 6th.* 1730-31. Recorded A, Vol. 2. p. 427.

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5 Geo. II. A. D. 1731

CCCXIII. *An* A C T *for reviving and continuing the Proceedings of the Courts of Judicature within this Province.*

WHEREAS an Act of General Aſſembly of this Province, made in the Year One Thouſand Seven Hundred and Twenty-ſix, and in the Thirteenth Year of the Reign of his late Majeſty King *George* the Firſt, of bleſſed Memory, Entituled, *An Act for Eſtabliſhing Courts of Judicature within this Province,* which Act, (ſuppoſed to ſuperſede or repeal one other Act of Aſſembly of this Province, entituled *An Act for Eſtabliſhing Courts of Judicature within this Province,* made in the Year One Thouſand Seven Hundred and Twenty-two) is ſince repealed by the King in Council. And whereas without ſome Proviſion be made for the Confirmation of ſuch Judgments as have been rendered ſince the Repeal of the ſaid Act, and for the Continuance of ſuch Proceſs as are depending in the ſeveral Courts within this Province, many Suitors may be diſappointed, and ſuch Judgments may be reverſt, and the Proceſs upon Indictments or Informations, depending in the ſeveral Courts of *Pennſylvania,* may be diſcontinued; It is therefore humbly pray'd that it may be enacted, and BE IT ENACTED, by the Honourable PATRICK GORDON, Eſq; Lieut. Governor of the Province of *Pennſylvania,* &c. by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That no Indictment, Plea, Suit or Action, in which Judgment hath been rendered ſince the Repeal of the ſaid laſt recited Act of Aſſembly, nor any Proceſs thereupon, ſhall be abated quaſh'd, revers'd, or judged null or void, for or by reaſon of the Repeal of the ſaid Act of Aſſembly made in the Year One Thouſand Seven Hundred and Twenty-ſix; But that the ſaid Judgments, Suits and Proceſs, ſhall be and are hereby declared to be good and valid in Law, as if the ſaid Act had never been repealed: And that no Indictment, Preſentment, Action, Suit, Plea, Proceſs, or other Matter, now depending in any Court of Record within this Province, ſhall be diſcontinued, abated, quaſh'd, null'd or reverſed, for or by Reaſon of the Repeal of the ſaid laſt mentioned Act of Aſſembly only: But that the Judges and Juſtices of the reſpective Courts within this Province ſhall, by virtue of the ſaid Act of Aſſembly made in the Year One Thouſand Seven Hundred and Twenty-two, now again come in Force, by Repeal of the ſaid Act of the Thirteenth of King *George* the Firſt, proceed to hear, try, and determine, all Cauſes Civil and Criminal, now depending; and the Proceedings of the ſeveral Courts of Judicature within this Province, be and are hereby confirmed; ſo that no Advantage ſhall be taken of or for any want of Authority, Defect, Juriſdiction, or Error on ſuch Proceedings, occaſioned by ſuch Repeal only; but that all ſuch Defects and Errors, be and are hereby aided, according to the true Intent and Meaning of the ſaid Act, as if the ſame had not been repealed; any Law, Statute or Uſage to the contrary notwithſtanding.

p. 113. p. 79. p. 83

Paſſed *November 27th.* 1731. Recorded A, Vol. 3. p. 1.

CCCXIV. *An* A C T *for repealing an Act, intituled,* An Act for continuing the Encouragement for raiſing good Hemp within this Province, *&c.* Expired.

Paſſed *January 20th.* 1731-32. Recorded A, Vol. 3. p. 3.

CCCXV. *An*

CCCXV. *An* ACT *directing the Manner of Payment of Aſſembly-Mens Wages.* Expired.

Paſſed *Auguſt* 15*th.* 1732. Recorded A, Vol. 3. p. 4.

CCCXVI. *A* Supplementary ACT *to the Act for raiſing County Rates and Levies.*

WHEREAS it is found by Experience, that the Method for Aſſeſſing the Inhabitants of the Province of *Pennſylvania*, and the Diſpoſition of the Monies raiſed by Virtue of an Act of Aſſembly of this Province, intituled, *An Act for raiſing County Rates and Levies*, has not altogether anſwered the good Ends propoſed by that Act, and ſome Doubts having ariſen concerning the Time of the Commiſſioners Continuance in their Office of Commiſſioners, and of the Powers of the ſaid Commiſſioners and Aſſeſſors by the aforeſaid Act. To the End therefore that thoſe Doubts may be removed, and that it may be known how the Monies raiſed by Virtue of the ſaid Act of Aſſembly is diſpoſed of, and to what Uſes the ſame is applied; BE IT ENACTED by the Honourable PATRICK GORDON, Eſq; Lieutenant Governor of the Province of *Pennſylvania*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That no Perſon or Perſons whatſoever who is or hereafter ſhall be choſen a Commiſſioner for any of the Counties within this Province, ſhall ſerve as a Commiſſioner for any longer time than the Space of three Years at one time; and if any ſuch Perſon be re-elected in the ſame County where before he had ſerved as Commiſſioner the preceeding Year, ſuch Election ſhall be void, and the next Perſon being qualified to be elected as the Law directs, having the greateſt Number of Votes for Commiſſioner, ſhall be, and is hereby declared to be the Commiſſioner legally elected, and ſhall be qualified and ſerve accordingly, p. 101.

County Commiſſioners not to ſerve above 3 Years.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Commiſſioners, Aſſeſſors, and Treaſurers of the ſeveral Counties within this Province, ſhall at the reſpective Courts of General QuarterSeſſions of the Peace to be held for the Counties of *Philadelphia*, and *Bucks* in the Month of *September*, and at the reſpective Courts of General Quarter-Seſſions of the Peace to be held for the Counties of *Cheſter* and *Lancaſter*, in the Month of *Auguſt*, yearly exhibit to, and lay before the Juſtices and Grand Juries of the ſaid reſpective Counties to which they belong, as well the Books of Entries, and Accounts directed by the aforeſaid Act to be kept by the Treaſurers, as a true and particular Account of all the Monies by them, aſſeſſed and raiſed, by virtue of their ſeveral Offices, as alſo an Account to whom and for what Uſe or Uſes the ſame Money and every part and parcel thereof was paid out again, with the proper Vouchers, if required; which Books, Accounts, and Receipts or Vouchers, being ſeen and examined by the Juſtices and Grand Juries of the ſaid reſpective Counties, the ſaid Books, and Receipts or Vouchers, ſhall be delivered back ſafely, without Alteration, to the reſpective Treaſurers; and the Accounts ſhall be filed, and kept among the Records and Proceedings of the ſaid Court of General Quarter-Seſſions of the Peace for ſuch County.

To exhibit their Accounts to the Juſtices in the Seſſion and Grand-Jury.

AND WHEREAS by an Act of Aſſembly, made in the twelfth Year of the Reign of the late King *William* the third, intituled, *An Act for erecting Bridges and maintaining Highways*, &c. it is provided, that the County Courts with the Concurrence of the Grand-Jury ſhall agree with and appoint ſome Perſons to build Bridges in their reſpective Counties; And the Commiſſioners and Aſſeſſors having of late by colour of the aforeſaid Act of Aſſembly for raiſing County Levies, claimed a Power of directing the Building of Bridges, and of agreeing with Workmen for doing the ſame, without the Concurrence of any Court or Grand Jury, THEREFORE to prevent for the future any Miſtakes or Miſunderſtandings concerning the Power of the Commiſſioners and Aſſeſſors, IT IS HEREBY FURTHER DECLARED AND ENACTED, that the Grand-Juries, Commiſſioners and Aſſeſſors with the Concurrence of the Juſtices of the General Quarter-Seſſions of the Peace, ſhall be the ſole Judges of the Place where any Bridge ſhall be built and maintain'd over any Creek or Rivulet within the reſpective Counties to which they belong; and that the Commiſſioners and Aſſeſſors with the Concurrence of the Juſtices of the ſaid reſpective Counties, at their reſpective General Quartet-Seſſions of the Peace, ſhall agree with Workmen for building, repairing and maintaining any Bridge or Bridges, ordered to be built or repaired as aforeſaid, within their reſpective Counties; and that the Commiſſioners for the time being ſhall allow of, and pay the Monies becoming due for the ſame accordingly. p. 8.

In whoſe Power it is to direct Bridges to be built.

Paſſed *Auguſt* 15*th.* 1732. Recorded A, Vol. 3. p. 5.

CCCXVII. *An* ACT *to prevent the Exportation of Bread and Flour not merchantable.* Altered by 19. Geo. II. Vol. 2 3 p. 56.

VII Geo. II. A. D. 173.

WHEREAS by a Law of this Province made for preventing the Exportation of Flour not merchantable, the Credit of the ſaid Province in one of its moſt conſiderable Branches hath in ſome Meaſure been retrieved; But foraſmuch as it becomes the Prudence of the Legiſlature to do all that in them lies to advance the Credit of this our Staple Commodity in foreign Markets, and it having been found by Experience that ſome farther Regulations may be neceſſary to promote the good Intention of the ſaid Act. THEREFORE to the End that the ſaid Credit of our Trade, and the Benefits thence ariſing may be continued and improved, BE IT ENACTED, by *PATRICK GORDON*, Eſq; with the King's Roval Approbation, Lieutenant-Governor under the Honourable *John Penn*, *Thomas Penn*, and *Richard Penn*, Eſqs; true and abſolute Proprietaries of the Province of *Pennſylvania*, by and with the Advice and Conſent of the Freemen of the Province aforeſaid, in General Aſſembly met, and by the Authority of the ſame, That every Bolter of Flour and Baker of Bread, reſiding, or (at any Time hereafter during the Continuance of p. 100.

this Act,) to reſide within this Province, ſhall each one for himſelf provide and have a diſtinguiſhable Brand-mark, and ſhall therewith brand each and every Cask of Flour or Bisket of his own Bolting or Baking, before the ſame ſhall be removed from the Place where the ſame was ſo as aforeſaid bolted or baked, under the Penalty of *One Shilling* for every Cask ſo removed and not branded as aforeſaid; but before any ſuch Bolter or Baker ſhall bolt any Flour or bake any Bread for Exportation out of this Province, every ſuch Bolter or Baker ſhall cauſe ſuch his Brand-mark, together with his Name and Place of Abode, to be entred with the Clerk of the Court of Quarter-Seſſions, for the County where he doth reſide (if not already done) and ſo from time to time as often as any ſuch Bolter or Baker ſhall move the Place of his Reſidence from one County of this Province into another, within the Space of one Month after ſuch Removal, or any Alteration of his Brand-mark, he ſhall there cauſe his Mark, Name, and Place of Reſidence to be entred with the Clerk of the reſpective County; for recording whereof the Clerk ſhall have and receive *One Shilling* each, and no more; and every Bolter or Baker offending herein, ſhall forfeit and pay the Sum of *Twenty Shillings* for every ſuch Offence.

Bolters & Bakers to have Brand-marks, &c.

AND BE IT ENACTED by the Authority aforeſaid, That all Wheat-Flour bolted for Exportation, from and after the Publication of this Act, ſhall by the Bolter thereof be and be made merchantable and of due Fineneſs, without any Mixture of coarſer or other Flour, and honeſtly and well packed in good ſtrong Cask, well made, and of Staves thoroughly ſeaſoned, with the Tare thereof thereupon marked, the Cask being firſt wheighed by Weights try'd by or made agreable to the Standard of Weights in this Province, wherewith the Bread and Flour packed ſhall alſo be weighed, and each and every Cask thereof (Bread in tight Casks excepted) ſhall be well and ſufficiently nailed before the ſame be moved or carried from the Place where the ſame was made as aforeſaid. And if any Bolter or Baker ſhall offend in all or any of the Premiſſes, he, ſhe, or they ſhall forfeit and pay for every ſuch Offence the Sum of *One Shilling* for each Cask.

Flour, &c. to be honeſtly packed, weighed and nailed.

AND BE IT ENACTED by the Authority aforeſaid, That if any Perſon or Perſons ſhall put a falſe or wrong Tare on any Cask of Flour or Bread to the Diſadvantage of the Purchaſer, he, ſhe, or they ſhall forfeit and pay for every ſuch Cask falſely tared as aforeſaid, the Sum of *Five Shillings*. And the Officer for each County reſpectively, or his Deputy, upon Suſpicion, or upon the Requeſt of the Buyer, ſhall and are hereby required to unpack any ſuch Cask of Flour or Bread, in order to try the Tare thereof, and if the ſaid Cask or Casks be found to weigh more than is mark'd thereon, the Baker or Bolter ſhall pay the Charge of unpacking and repacking, over and above the *Five Shillings* for each Cask as aforeſaid. But if the Tare thereon marked be found juſt and true, then the Officer (or Purchaſer, if the Tryal be made at his Requeſt) ſhall pay the Coſts of Unpacking and Repacking.

Penalty on falſe Taring of Cask.

AND BE IT ENACTED by the Authority aforeſaid, That every Miller or Bolter of Flour, and every Baker of Bread for Exportation as aforeſaid, ſhall deliver with the ſaid Flour or Bread an Invoice of the Contents thereof with his ſaid Brand-mark made thereon, together with his Name ſigned thereto, under the Penalty of *Forty Shillings*, for every Invoice delivered contrary to the true Intent and Meaning hereof. And if any Cask or Casks of Flour or Bread upon Tryal be found lighter than is ſet down in the ſaid Invoice, every ſuch Bolter or Backer thereof ſhall forfeit and pay *Threepence* for every Pound of Flour or Bread the ſame is found wanting or lighter than invoiced. And if any Perſon or Perſons ſhall be convicted of any other willful Fraud or Cheat in Packing of Flour or Bread, or of willfully making a fraudulent Invoice of the Net Proceeds or Weight of any Flour or Bread, the Perſon offending therein ſhall forfeit and pay the Sum of *Five Pounds* for every ſuch Offence.

Invoice to be delivered with Bread and Flour.

Penalty on Frauds.

AND BE IT ENACTED by the Authority aforeſaid, That no Cart, Wain, or Waggon ſhall be made Uſe of for the carrying or conveying of Flour or Bread from any Mill or other Place to the Place of Exportation, or to any Landing Place, but ſuch as ſhall have and be provided with a good and ſufficient Covering; and that no Flour ſhall be left at any Landing, or other Place in order to be tranſported or carried to the Place of Exportation, except the ſame be put in a Store or Shelter ſufficient to keep it dry; and that no Flour or Bread ſhall be carried or conveyed by Water from any Mill or Landing-Place to the Place of Exportation, in any open Boat, Flat or Shallop, without a good and ſufficient Covering or Tarpaulin to ſecure the ſame in caſe of Rain.

Carts &c. to have good Covering.

AND BE IT ENACTED by the Authority aforeſaid, That if the Owner or Poſſeſſor of any Cart, Wain, Waggon, Boat, Flat, or Shallop, cauſe or ſuffer any Flour or Bread to be wet or take Damage for want of due Care, or not being provided as aforeſaid, in the moving carrying, or tranſporting the ſame from any Mill or Landing-Place to the Place of Exportation, every ſuch Perſon or Perſons ſhall forfeit and pay for every Cask of Flour or Bread damaged as aforeſaid, the Sum of *One Shilling*.

Penalty on ſuffering Flour to take Damage.

AND BE IT ENACTED by the Authority aforeſaid, That no Merchant or Perſon whatſoever ſhall lade or ſhip any Flour for Exportation out of this Province, before he ſhall firſt ſubmit the ſame to the View and Examination of the Officer or his Deputy, of the reſpective County from whence the ſame is intended to be ſhipt, who ſhall ſearch and try the ſame, by boring the Head and piercing it through with a Inſtrument to be contrived for that Purpoſe, in order to prove whether it be honeſtly and well pack'd, as alſo to enable him to judge of its Goodneſs, and ſhall afterwards plug up the Hole; and if the ſaid Officer ſhall judge the ſame to be merchantable, according to the Direction of this preſent Act, he ſhall brand every ſuch Cask of Flour on the Quarter with the Provincial Brand-mark, which the ſaid reſpective Officers ſhall each one for himſelf provide and have for that End and Purpoſe, ſufficient and capable to impreſs in a fair and diſtinguiſhable manner the Arms of the Province of *Pennſylvania*, with the Letter *P* on one Side thereof; and to diſtinguiſh the Counties, *Philadelphia* County Brand-mark ſhall have the Letter *P*, *Bucks* County the Letter *B*, and *Cheſter* County the Letter *C* on the other Side thereof; for which Trouble of the ſaid reſpective Officer, he ſhall have and receive of the Shipper *One Penny* for each Cask, and no more.

No Flour to be ſhipt before examined.

And branded.

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PROVIDED ALWAYS nevertheleſs, that if any Diſpute ſhall happen to ariſe between the ſaid Officers and Poſſeſſor of ſuch Flour, concerning the Fineneſs or Goodneſs thereof, upon Application made to one of the Magiſtrates of the City or County where the Diſpute ariſes, he ſhall iſſue his Warrant to two indifferent judicious Perſons of Skill and Integrity, to view and ſearch the ſaid Flour, and make Report forthwith according as they find the ſame, and the ſaid Magiſtrate is hereby impowered and required to give Judgment accordingly; and in caſe the ſaid Flour is judged not fit to be exported, the ſaid Magiſtrate ſhall order it not to be exported, under the Penalty of Forfeiture of all ſuch Flour, and ſhall alſo award and order the Owner or Poſſeſſor of the ſaid Flour to pay the ſaid Officer *One Shilling* for each Cask, for all ſuch Flour as ſhall be adjudged not fit for Exportation as aforeſaid, with reaſonable Charges, who ſhall recover the ſaid Coſts and Charges from the Bolter or Maker thereof; but in caſe the ſaid Flour upon Tryal ſhall be found to be good and merchantable according to the Directions of this Act, the Charges of Proſecution ſhall be paid by the Officer; And in caſe any Flour ſhall upon Tryal be found not merchantable or fit to be exported, the Officer ſhall take the Bolter's Brand and the Marks and Numbers of ſuch Casks of Flour, and ſhall alſo note upon the Invoice of the ſaid Flour, the Numbers of ſo many of them as ſhall be found not merchantable; and if the ſame Flour be afterwards ſhipt in order for Exportation, the Proof that it is not the ſaid Flour ſhall lie wholly on the Owner or Shipper thereof, and ſhall not be incumbent on the ſaid Officer.

Indifferent, Perſons to judge Flour &c.

Penalty on Flour not fit for Exportation.

AND BE IT ENACTED, by the Authority aforeſaid, That the ſaid Officer or his Deputies ſhall have full Power and Authority by Virtue of this Act, and without any further or other Warrant, to enter on board any Ship, Sloop or Veſſel whatſoever, lying or being in any Port or Place of this Province, and into any Houſe, Store or Place whatſoever within the Province aforeſaid, to ſearch for and make Diſcovery of any Flour ſhipped or intended to be ſhipped for Exportation; and if the Owner or Poſſeſſor thereof, or their Servants, or others ſhall deny him or them Entrance, or if the ſaid Officer or his Deputies ſhall be any ways moleſted in making ſuch Diſcovery as aforeſaid, or if ſuch Merchant or Owner ſhall refuſe to permit the ſaid Officer or his Deputies to view and examine any Flour, or not permit him or them to brand the ſame, if merchantable, according to the Direction of this Act, every ſuch Perſon ſo offending ſhall forfeit and pay the Sum of *Ten Pounds*; or ſhall ſhip off any Cask or Casks of Flour not branded with the Provincial Brand-mark aforeſaid, every ſuch Perſon ſo offending ſhall forfeit and pay the Sum of *Five Shillings* for every Cask of Flour ſo ſhipt.

Officers impowered to enter Ships, &c.

Penalty on moleſting Officers.

AND BE IT ENACTED, by the Authority aforeſaid, That *Samuel Carpenter* of *Philadelphia*, Merchant, ſhall be and is hereby appointed the Officer for Viewing and Examining all Flour ſhipt or intended to be ſhipt directly out of this Province from the City and County of *Philadelphia*: And that *William Atkinſon* of *Bucks* County, Yeoman, ſhall be and is hereby appointed the Officer for Viewing and Examining all Flour ſhipt or intended to be ſhipt directly out of this Province from the County of *Bucks*: And *John Owen* of *Cheſter* Gent. ſhall be and is hereby appointed the Officer for Viewing and Examining all Flour ſhipt or intended to be ſhipt directly out of this Province from the County of *Cheſter*. And if any or either of the Officers hereby appointed, or hereafter to be appointed, ſhall by any Accident be rendered uncapable, or neglect to execute the ſaid Office, or ſhall misbehave him or themſelves therein, or ſhall happen to die, then and ſo often, and from time to time, it ſhall and may be lawful to and for a Majority of the Juſtices of the Peace of the reſpective Counties, to ſupply his or their Place by ſome other fit and capable Perſon, who ſhall thereupon be the Officer for putting this Act in Execution for the reſpective County, until the Aſſembly appoints another. But before the ſaid Officers hereby or hereafter to be appointed ſhall do any thing in the Execution of their ſaid Office, they ſhall each of them take an Oath or Affirmation before any one Juſtice of the Peace of any County of this Province, faithfully and impartially to perform his Duty and Truſt to the beſt of his Capacity, according to the Directions of this preſent Act.

Officers Names.

Officers to take an Oath or Affirmation.

AND BE IT ENACTED by the Authority aforeſaid, That the ſaid reſpective Officers hereby appointed, or hereafter to be appointed, are hereby impowered to appoint Deputies in the reſpective Counties, for whom he or they ſhall be accountable; which ſaid Deputies having taken the ſame Oath or Affirmation required to be taken by the Principals, are hereby fully impowered to act as Deputy-Officers in their reſpective Counties for the Searching and Branding Flour, and for all other Things required to be done by this Act, to all Intents and Purpoſes whatſoever.

Officers may appoint Deputies.

BUT foraſmuch as all the Endeavours and Skill that can be uſed in the making of Flour good, will prove ineffectual, except due Care be taken in the Management of the Grain before it be ground, Therefore BE IT ENACTED by the Authority aforeſaid, That every Owner, Poſſeſſor, or Occupier of any Griſt-Mill, ſhall have and be provided with a Screen, wherewith all the Wheat to be ground into Flour for Exportation, ſhall be firſt ſcreen'd; and if any Owner, Poſſeſſor, or Occupier of any Griſt-Mill ſhall by himſelf, ſervants or others, preſume to grind or ſuffer to be ground into Meal for Bolting for Exportation out of this Province, any Wheat before the ſame be ſcreened as aforeſaid, or ſhall grind or ſuffer to be ground any unſound, ill-dreſſed, foul or unmerchantable Wheat, to be bolted for Exportation as aforeſaid, or ſhall bolt any Meal ſo ground before the ſame be thoroughly cooled and dried, he, ſhe, or they ſo offending in the Premiſſes, ſhall forfeit and pay for every ſuch Offence the Sum of *Thirty five Shillings*, on due Proof thereof made by one or more credible Witneſſes, before any one Juſtice of the Peace of the County or Place where the Fact was committed.

Wheat to be ſcreened before ground.

Penalty.

BE IT ENACTED by the Authority aforeſaid, That every Miller, Bolter, and Baker within this Province is hereby required, within Six Months after the Publication of this Act, and afterwards once in every Three Years, to bring his or their Weights and Meaſures to the Standard in each County, to be examined and tryed, and to have them made to agree with the Standard, and ſtampt and marked as directed by an Act of Aſſembly of this Province of the Twelfth of King *William* the Third, intituled, *An Act*

Weights and Meaſures to be brought to the Standard.

p. 10. *Act for regulating Weights and Meaſures*, under the Penalties and Fines impoſed by the ſame Act.

Penalty on counterfeiting Brand-marks.

AND BE IT ENACTED by the Authority aforeſaid, that if any Perſon or Perſons ſhall counterfeit the ſaid Provincial Braud Marks, or either of them, or impreſs or brand the ſame on any Cask of Flour, he, ſhe or they being thereof legally convicted, ſhall for the firſt Offence forfeit and pay the Sum of *Five Pounds*, and for the Second Offence the Sum of *Ten Pounds*, and for the Third and every other ſuch Offence the Offender ſhall be committed to Goal, and ſentenced to the Pillory, there to ſtand the Space of *Two Hours* on a Market Day, in any City, Borough or Town of the reſpective Counties of this Province, where the Fact was committed.

How the Forfeitures are to be recovered & diſpoſed of.

AND BE IT ENACTED by the Authority aforeſaid, That all and ſingular the Fines, Forfeitures and Charges mentioned in this Act, where the ſame reſpectively exceed not *Forty Shillings*, the ſame ſhall be recovered in the ſame Manner as other Debts under *Forty Shillings* by the Law of this Province; and where the ſame exceed *Forty Shillings*, they may be ſued for and ſhall be recovered in any Court of Record in this Province, by Bill, Plaint or Information, wherein no Eſſoin, Protection, or Wager of Law, nor any more than one Imparlance ſhall be allowed All which ſaid Fines and Forfeitures not herein before directed how to be applied, ſhall be paid to the reſpective Officer or his Deputy aforeſaid, who is hereby ſtrictly enjoined and required to keep juſt and true Accounts thereof, and ſhall once every Year, at the Time of appointing Overſeers of the Poor, deliver unto the Magiſtrates a true and exact Liſt of all the Fines and Forfeitures ariſing from this Act for the Year paſt, in the reſpective Counties; the one half whereof he or they ſhall immediately pay into the Hands of the Overſeers of the Poor, for the Uſe of the Poor of the Place where the Forfeitures happened, and the other he or they may detain to his or their own Uſe, as Proſecutor; and if any or either of the Officers as aforeſaid ſhall refuſe or neglect to account for and pay as aforeſaid, he or they ſhall forfeit their Office, any Law, Uſage, or Cuſtom to the contrary in any wiſe notwithſtanding.

Officers not to trade in Flour.

Penalty.

PROVIDED ALWAYS, that the Officer herein appointed to examine and brand Flour as aforeſaid for the City and County of *Philadelphia*, nor his Deputies, nor any other Perſon or Perſons to be appointed in their or either of their Places or Stead, ſhall during the Continuance of this Act, by him or themſelves, or by any other Perſon to his or their Uſe or by his or their Procurement, vend, barter, ſell, exchange or trade in Flour, under the Penalties of *Fifty Pounds*, to be recovered by Action of Debt, Bill, Plaint or Information, by any Perſon or Perſons who will ſue for the ſame to Effect, in any Court of Record in this Province, one half thereof to the Uſe of the Perſon or Perſons ſo ſuing, the other half thereof to be paid to the Treaſurer of this Province, towards the Support of Government. And the Perſon or Perſons duly convicted of any ſuch Offence or Offences againſt this Act, ſhall be and are hereby diſabled from acting thereafter in their reſpective Offices: and the Juſtices of the City and County of *Philadelphia* are hereby authorized and required to appoint another or others in lieu or ſtead of the Perſon or Perſons ſo offending, who ſhall have the ſame Powers and Authorities, and be liable to the ſame Riſtrictions and Penalties, as the Officers in this Act named, until others are appointed by the Aſſembly of this Province,

AND BE IT ENACTED by the Authority aforeſaid, that the ſaid Act, entituled, *An Act to prevent the Exportation of Bread and Flour not merchantable*, and every Article, Clauſe, or Thing therein contained, ſhall be and is hereby repealed to all Intents and Purpoſes whatſoever,

Paſſed *January* 19*th*. 1733-34. Recorded A, Vol. 3. p. 7.

CCCXVIII, *An* ACT *for reviving an Exciſe on Wine, Rum, Brandy, and other Spirits.* Expired

Paſſed *January* 19*th*. 1733-34. Recorded A, Vol. 3. p. 13.

CCCXIX. *An* ACT *for confirming the Repeal of divers Laws of this Province.*

WHEREAS the late King *CHARLES* the Second, by his Royal Charter bearing Date at *Weſtminſter* the fourth Day of *March*, in the Thirty-third Year of his Reign, was graciouſly pleaſed, for the Conſideration therein mentioned, to give and grant unto the late *William Penn*, Eſq; and to his Heirs and Aſſigns, all that Tract of Land now known and called by the Name of the Province of *Pennſylvania*. And by the ſame Royal Charter, the ſaid late King did for himſelf, his Heirs and Succeſſors, make, create, and conſtitute him the ſaid *William Penn*, Eſquire, true and abſolute Proprietary of the ſaid Country, ſaving always to the ſaid late King his Heirs and Succeſſors, the Faith and Allegiance of the ſaid *William Penn*, Eſquire, his Heirs and Aſſigns, and of all other the Proprietaries, Tenants and Inhabitants, that then were, or thereafter ſhould be within the Territories and Precincts aforeſaid; and likewiſe ſaving to the ſaid late King, his Heirs and Succeſſors, the Sovereignty of the aforeſaid Country, To have, hold, poſſeſs and enjoy the ſaid Tract of Land, together with all the Iſlands therein contained, unto the ſaid *William Penn*, Eſquire, his Heirs and Aſſigns, to the only proper Uſe and Behoof of the ſaid *William Penn*, his Heirs and Aſſigns forever. AND whereas the ſaid late King *Charles* the Second, repoſing ſpecial Truſt and Confidence in the Fidelity, Wiſdom, Juſtice, and provident Circumſpection of the ſaid *William Penn*, did further by his ſaid Royal Charter, for himſelf, his Heirs and Succeſſors, grant free, full and abſolute Power to the ſaid *William Penn*, Eſquire, and to his Heirs, and to his or their Deputies and Lieutenants, for the good and happy Government of the ſaid Country, to ordain, make, and enact, and under his or their Seal to publiſh, any Laws whatſoever, for the Raiſing of Money for the publick Uſe of the ſaid Province, or for any other End, appertaining either to the publick State, Peace or Safety of the

ſaid

ſaid Province, or to the private Utility of particular Perſons, according to his or their beſt Diſcretion, by and with the Advice, Aſſent, and Approbation of the Freemen of the ſaid Country, or the greater Part of them, or of their Delegates or Deputies. But to the End that the ſaid *William Penn*, or his Heirs, or other the Planters, Owners or Inhabitants of the ſaid Province, might not at any Time thereafter, by Miſconſtruction of the Powers aforeſaid, through Inadvertency, or Deſign, depart from the Faith and due Allegiance, (which by the Laws of Realm of *England*, they, and all the ſaid late King's Subjects, in his Dominions and Territories, were always obliged to own to the ſaid late King and his Succeſſors,) by colour of any Extent or Largeneſs of Power in the ſaid Royal Charter given, or pretended to be given, or by Force or Colour of any Laws thereafter to be made in the ſaid Province, by Virtue of any ſuch Powers, the ſaid late King was pleaſed to declare his further Will and Pleaſure to be, that a Tranſcript or Duplicate of all Laws, which ſhould be ſo as aforeſaid made and publiſhed within the ſaid Province, ſhould within Five Years after the Making thereof, be tranſmitted and delivered to the Privy Council for the time being, of the ſaid late King his Heirs and Succeſſors. And if any of the ſaid Laws within the Space of Six Months after they ſhould be ſo tranſmitted and delivered, ſhould be declared by the ſaid late King, his Heirs and Succeſſors, in his or their Privy Council, inconſiſtent with the Sovereignty or lawful Prerogative of the ſaid late King, his Heirs and Succeſſors, or contrary to the Faith and Allegiance due to the legal Government of the Realm of *England* from the ſaid *William Penn* Eſq; and his Heirs, or from the Planters and Inhabitants of the ſaid Province, and that thereupon any of the ſaid Laws ſhould be adjudged and declared to be void by the ſaid late King, his Heirs or Succeſſors, under his or their Privy Seal; That then and from thenceforth, ſuch Laws concerning which ſuch Judgment and Declaration ſhould be made, ſhould become void, otherwiſe the ſaid Laws ſo tranſmitted ſhould remain and ſtand in full Force, according to the true Intent and Meaning thereof: As by the ſaid Royal Charter, Relation thereunto being had, does more fully appear. AND WHEREAS in Right of, and by Virtue of the Powers granted to the ſaid *William Penn*, Eſq; and his Heirs, in and by the ſaid Royal Charter, many Laws and Ordinances have from time to time ſince the Settlement of the ſaid Province been made by the ſaid *William Penn*, Eſquire and his Heirs, and his and their Deputies and Lieutenants, by and with the Advice and Aſſent of the Delegates or Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and publiſh'd under the Great Seal of the ſaid Province. AND WHEREAS divers of the ſaid Laws after being made and publiſhed in Manner aforeſaid, have according to the Directions of the ſaid Royal Charter, been tranſmitted to the Privy Council of the ſaid late King and his Succeſſors, where the ſame have been by them in their Privy Council adjudged to be void: But foraſmuch as the ſaid Laws not having been declared void under the Privy Seal of the ſaid late King or his Succeſſors, according to the expreſs Terms of the ſaid Royal Charter, ſome Doubts have ariſen whether the ſaid Laws were by ſuch Declaration actually made void and repealed. To the End THEREFORE that all Scruples touching the Repeal of the ſaid Laws may be effectually removed, and that no Doubts may hereafter be made concerning the ſame, BE IT ENACTED by PATRICK GORDON, Eſq; Lieutenant Governor by the King's Royal Approbation under the Honourable *John Penn*, *Thomas Penn*, and *Richard Penn*, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, by and with the Advice and Conſent of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That all and every of the Laws, Ordinances, or Acts of Aſſembly of the Province of *Pennſylvania*, which at any Time before the Publication of this Act, have been tranſmitted to the Privy Council, and have been adjudged to be void by the ſaid late King or his Succeſſors in his or their Privy Council, though the ſame were not declared to be void under the Privy Seal (according to the Terms of the ſaid Royal Charter) ſhall nevertheleſs be deemed, taken and allowed to be void, to all Intents and Purpoſes whatſoever from the Time of ſuch Declaration, in the ſame manner as if the ſaid Laws had been adjudged and declared to be void by the ſaid late King or his Succeſſors, or any of them, under his or their Privy Seal, the Want of the ſaid Privy Seal, or any other Formality in ſuch Declaration in any wiſe notwithſtanding.

Paſſed *January* 19*th*. 1733-34. Recorded A, Vol. 3. p. 21.

CCCXX. *An* ACT *the better to enable* William Fiſhbourne *to diſcharge the Debt due from him to the Truſtees of the General Loan Offiee of this Province.* Obſolete.

Paſſed *January* 19*th*. 1733-34. Recorded A, Vol. 3. p. 24.

CCCXXI. *An* ACT *the more effectually to prevent the Erecting of Wears, Damms, &c. within the River* Schuylkill. Repealed by Act of Aſſembly, 1. Geo. III.

Paſſed *Auguſt* 17*th*. 1734. Recorded A, Vol. 3. p. 26.

CCCXXII. *A Supplement to the ſeveral Acts of Aſſembly of this Province for the Relief of the Poor.* VIII Geo. II. A. D. 1734. *ante* [illegible]

WHEREAS it is found by Experience, that the Laws of this Province made for the Relief of the Poor, and for Removing and puniſhing Rogues, Vagrants, and other idle and diſorderly Perſons wandring about the Country, have not proved effectual for the good Purpoſes for which they were intended; and for ſecuring the Inhabitants of this Province from being oppreſſed with great Charges ariſing by

ſuch idle and diſorderly Perſons coming from the neighbouring Colonies into, and concealing themſelves in the City of *Philadelphia*, and the reſpective Townſhips of this Province, until they have either gained a Settlement, or become ſo ſick and infirm that they cannot be removed: For Remedying which Inconveniencies, BE IT ENACTED by PATRICK GORDON, Eſq; with the King's Royal Approbation, Lieutenant Governor under the Honourable *John Penn*, *Thomas Penn*, and *Richard Penn*, Eſqrs; true and abſolute Proprietaries of the Province of *Pennſylvania*, and of the Counties of *New-Caſtle*, *Kent* and *Suſſex*, on *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That no Perſon or Perſons whatſoever coming into the City of *Philadelphia*, or into any Townſhip or County within this Province, Mariners and other healthy Perſons coming directly from *Europe* only excepted, altho' ſuch Perſon be an hired Servant and ſhall abide in ſuch Service for the Space of one whole Year, and altho' any Perſon being an indented Servant, or be bound Apprentice by Indenture in the ſaid City, or in any Townſhip within this Province, and ſhall continue in ſuch Apprenticeſhip, or Servitude, for the Space of one Year; (which is hereby declared ſufficient to gain ſuch Apprentice and indented Servant a Settlement, upon Notice given as is hereafter directed in this Act, and not otherwiſe) or altho' any Perſon or Perſons ſhall on his own Account, execute any publick annual Office or Charge in the ſaid City, or any Townſhip within this Province during One whole Year, or be charged and pay his Share towards the County Taxes or Levies for the Poor of the ſaid City or Townſhip, or ſhall have *bona fide* taken a Leaſe of a Tenement or Plantation, of the yearly Value of *Five Pounds* or upwards within the City of *Philadelphia*, or any Townſhip of this Province, ſhall be deemed to have gained a legal Settlement in the ſaid City or in any ſuch Townſhip, unleſs ſuch Perſon or Perſons ſhall within five Days next after his or her coming into the City of *Philadelphia*, or into any Townſhip within this Province, give Notice in Writing, which they are hereby required to do, of the Houſe of his or her Abode and the Number of his or her Family, if any he or ſhe have, to the reſpective Overſeers of the Poor for the Time being, of the ſaid City or Townſhip, into which he or ſhe ſhall come; nor ſhall any hired or indented Servant or Apprentice, by Virtue of his or her being hired, bound or aſſigned over unto any Perſon inhabiting the ſaid City, Townſhips or Counties, as aforeſaid, gain a Settlement within the ſame, unleſs Notice be given in Writing within Ten Days after ſuch hiring or binding, as aforeſaid, to the Overſeers of the Poor of the City or Townſhip where ſuch Perſon ſhall come to reſide, by the Perſon who ſhall take ſuch Apprentice, hire a Servant, or purchaſe an indented Servant (or by the Perſon or Perſons ſo hired themſelves within Ten Days next after ſuch hiring;) any Law, Cuſtom, or Uſage of this Province to the contrary in any wiſe notwithſtanding.

All Perſons not coming directly from Europe to give Notice to the Overſeers of the Townſhip in which they come to inhabit.

Matthew 28 Aſſeſſing a Man to the Parish Rates and receiving the Money aſſeſſed shall not within the Letter amount to Notice in Writing — vide 2 Str. . . . . c. . . . . .

PROVIDED ALWAYS, That if upon Complaint made by the Overſeers of the Poor of the City of *Philadelphia*, or of any Townſhip within this Province, to ſuch Magiſtrates as have a Right to hear the ſame, it ſhall be adjudged within the Space of Twelve-Months next after ſuch Notice, that any Perſon or Perſons is, or are likely to become chargeable to the City or Townſhip where he or ſhe is come to reſide, and ſhall upon his or her being required, neglect or refuſe to give Security, that he or ſhe ſhall not become chargeable to the Inhabitants of the ſaid City or Townſhip, into which he or ſhe is come, that then ſuch Perſon or Perſons ſhall be liable to be removed to the laſt Place of his or her legal Settlement, the giving of Notice as aforeſaid, or any other thing in this or any other Act of Aſſembly of this Province to the contrary in any wiſe notwithſtanding.

Perſons likely to become chargeable, refuſing to give Security, may be be removed, &c.

AND for the more effectual preventing Rogues, Vagabonds, and other idle and diſorderly Perſons concealing themſelves within the ſaid City of *Philadelphia*, or in any Townſhip or County within this Province, BE IT FURTHER ENACTED, by the Authority aforeſaid, That if any Houſe-keeper or Inhabitant of this Province, ſhall after the Publication of this Act, take into, receive, or entertain in his or her Houſe or Houſes any Perſon or Perſons whatſoever, (healthy Mariners, and other Perſons coming immediately from *Europe* into the ſaid Province only excepted) not being Perſons who have gained a legal Settlement in ſome City or Townſhip within this Province, and ſhall not give Notice in Writing, which they are hereby required to do within Three Days next after the taking into, or entertaining any Perſon or Perſons in his or her Houſe within the City of *Philadelphia*, to the Overſeers of the Poor of the ſaid City, and within the Space of Ten Days next after his or her taking into, or entertaining any Perſon or Perſons in his or her Houſe, in any Townſhip within this Province, to the Overſeers of the Poor of the Townſhip where ſuch Perſon dwells, ſuch Inhabitant or Houſe-keeper being thereof legally convict by the Teſtimony of one credible Witneſs, on Oath or Affirmation, before any two Magiſtrates of the ſaid City of *Philadelphia*, whereof the Mayor or Recorder to be one, or before any Two Magiſtrates of the County where ſuch Perſon dwells, ſhall forfeit and pay the Sum of *Twenty Shillings* for every Offence, the One Moiety to the Uſe of the Poor of the ſaid City or Townſhip reſpectively, and the other Moiety to the Informer, to be levied on the Goods and Chattels of the Delinquents, in the Manner herein after directed; and for want of ſufficient Diſtreſs, the Offender to be committed to the Work houſe of the ſaid City or County, there to remain without Bail or Mainprize, for the Space of Ten Days; and moreover, in Caſe the Perſon or Perſons ſo entertain'd or concealed ſhall become poor, and unable to maintain him or herſelf, and cannot be removed to the Place of his or her laſt legal Settlement, or ſhall happen to die, and not have wherewithal to defray the Charge of his or her Funeral, then in ſuch Caſe the Houſe-keeper or Perſon convicted of entertaining or concealing ſuch poor Perſon, againſt the Tenor of this Act, ſhall be obliged to provide for and maintain ſuch poor and indigent Perſon or Perſons, and in Caſe of ſuch poor Perſon's Death ſhall pay the Overſeers of the Poor ſo much Money as ſhall be expended on the Burying of ſuch poor and indigent Perſon or Perſons; and upon Refuſal ſo to do, it ſhall be lawful for the Overſeers of the Poor of the ſaid City or Townſhip reſpectively, and they are hereby required to aſſeſs a Sum of Money on the Perſon or Perſons ſo convict from time to time by a weekly Aſſeſſment, for maintaining

No Houſe-keeper to entertain Perſons not having gained a Settlement in this Province without giving Notice to the Overſeers.

And ſhall maintain them if they be ſick, and bury them if they die.

ſuch

ſuch poor and indigent Perſon or Perſons or aſſeſs a Sum for defraying the Charges of ſuch poor Perſon's Funeral, as the Caſe may be; and in Caſe the Party convict ſhall refuſe to pay the Sum of Money ſo aſſeſſed or charged, to the Overſeers of the Poor, for the Uſes aforeſaid, the ſame ſhall be levied of the Goods and Chattels of the Offender in the manner herein after directed; but if ſuch Perſon ſo convicted have no Goods or Chattels to ſatisfy the Money ſo aſſeſs'd for him or her to pay, that then it ſhall and may be lawful for the ſaid Juſtices to commit the Offender to Priſon, there to remain without Bail or Mainprize, until he or ſhe have paid the ſame, or until he or ſhe ſhall be diſcharged by due Order of Law.

AND WHEREAS it is found by Experience, that many poor Perſons within this Province cannot find Employment in the City or Townſhip where they are legally ſettled, yet might find Work for themſelves and Families in other Places within the Province, but not being able to give Security, if required, upon their coming to ſettle in any other Place, that they and their Families ſhall not become chargeable or burthenſome to any City or Townſhip where they come to dwell, and by that means are confined to their own City or Townſhip, tho' their Labour may be wanted elſewhere; BE IT THEREFORE ENACTED by the Authority aforeſaid, That if any Perſon or Perſons whatſoever, from and after the firſt Day of *May*, which will be in the Year of our Lord *One Thouſand Seven Hundred and Thirty-five*, ſhall come out of the City of *Philadelphia*, or any Townſhip into another Townſhip within this Province, or ſhall come out of any Townſhip in this Province, into the City of *Philadelphia*, there to inhabit and reſide, ſhall at the ſame time procure, bring and deliver unto the Overſeers of the Poor of the City or Townſhip where he or ſhe ſhall come to inhabit, a Certificate under the Hands and Seals of the Overſeers of the Poor of the City or Townſhip from whence he, ſhe or they removed, to be atteſted by two or more credible Witneſſes, thereby acknowledging the Perſon or Perſons mentioned in the ſaid Certificate, to be an Inhabitant or Inhabitants legally ſettled in that City or Townſhip; every ſuch Certificate, having been allowed of and ſubſcribed by two or more Juſtices of the Peace of the City or County where ſuch Townſhip doth lie, ſhall oblige the ſaid City or Townſhip to receive and provide for the Perſon mentioned in the ſaid Certificate, together with his or her Family, as Inhabitants of that Place whenever he, ſhe or they ſhall happen to become chargeable to, or be forced to ask Relief of the City or Townſhip to which ſuch Certificate was given, or into which he, ſhe or they were received by Virtue of the ſaid Certificate, and then and not before it ſhall and may be lawful for any ſuch Perſon and his or her Children, tho' born in the City or Townſhip, and his or her Servants and Apprentices not having otherwiſe acquired a legal Settlement there, to be removed, conveyed and ſettled in the City or Townſhip from whence ſuch Certificate was brought.

Poor Perſons removed into another Townſhip, to take a Certificate.

AND WHEREAS it oftentimes happens that poor Perſons come from the City of *Philadelphia*, into ſome Townſhip or Place within this Province, and from ſome Place or Townſhip of this Province, into the ſaid City of *Philadelphia*, or into ſome other Townſhip of this Province, and conceal themſelves until they become ſick or lame, and cannot be removed, and oftentimes die before they can be removed, by reaſon whereof the Inhabitants of the City or Townſhip where ſuch poor Perſon or Perſons fell ſick or died, are put to Charges, without any Means to relieve themſelves from the Payment of the Monies expended upon the Maintenance or Burying ſuch poor Perſon or Perſons, BE IT THEREFORE FURTHER ENACTED by the Authority aforeſaid, That if any poor Perſon or Perſons ſhall come out of the City of *Philadelphia* into any Townſhip within this Province, or ſhall come out of any Townſhip or Place within this Province into the City of *Philadelphia*, or any other Township within this Province, and ſhall happen to fall ſick or die before he or ſhe have gain'd a legal Settlement in the City or Townſhip to which he or ſhe ſhall come, ſo that ſuch Perſon or Perſons cannot be removed, and if upon Notice given by the Overſeers of the Poor of the Place unto which ſuch poor Perſon is come, or by one of them, to the Overſeers of the Poor of the City, Townſhip or Place where ſuch poor Perſon or Perſons had laſt gained a legal Settlement, or to one of them, of the Name, Circumſtances and Condition of ſuch poor Perſon or Perſons, with Requeſt that they or one of them may take order for the Relief and Maintenance of ſuch ſick or lame Perſon during his or her Sickneſs, and for his or her being buried in caſe he or ſhe ſhould die, and if ſuch Overſeer or Overſeers ſhall neglect or refuſe ſo to do, that then and in ſuch Caſe it ſhall be lawful for any two Juſtices of the Peace of the City or County where ſuch poor Perſon had laſt gained a legal Settlement, and they are hereby authorized and required upon Complaint made to them, to cauſe all ſuch Sum and Sums of Money as ſhall be neceſſarily expended on the Maintenance of ſuch poor Perſon in his or her Sickneſs, or on his or her Buryal, by Warrant under their Hands and Seals, to be directed to ſome Conſtable of their County, to be levied by Diſtreſs and Sale of the Goods and Chattels of the ſaid Overſeer or Overſeers of the Poor ſo neglecting or refuſing to take care and provide for any ſuch poor Perſon as aforeſaid, after ſuch Notice given to them or to one of them as aforeſaid, and to be paid to the Overſeer or Overſeers of the City or Townſhip where ſuch poor Perſon happened to be ſick or die as aforeſaid, and the Overplus of the Monies ariſing by Sale of ſuch Goods remaining in the Conſtable's Hands, after the Sum of Money ordered to be paid, together with the Coſts of Diſtreſs, &c. are ſatisfied, ſhall be reſtored to the Owner or Owners of the ſaid Goods,

The Overſeers of the Place of a poor Perſon's laſt Settlement, ſhall take care of him, when he is chargeable to another Townſhip.

AND WHEREAS by an Act of Aſſembly of this Province, intituled, *An Act for the Relief of the Poor*, it is provided, that it ſhall and may be lawful to and for the Overſeer or Overſeers of the Poor, to make and lay a Rate of *One Penny per Pound* clear Value of the Real and perſonal Eſtates of all and every the Freeholders and Inhabitants within their reſpective Townſhips, to be employed for the Relief of the Poor, *&c.* and *Four Shillings per Head* on all Freemen not otherwiſe rated, but it being found upon Experience that the Number of the Poor within this Province are very much increaſed, and the Overſeers of the Poor of this City of *Philadelphia*, and the reſpective Townſhips within this Province, have been obliged to lay ſeveral Rates of *One Penny per Pound* in one Year, for Maintenance of the Poor within

within the City of *Philadelphia*, and the respective Townships within this Province, which has proved very troublesome as well to the Persons on whom the said Monies are raised, as to the Persons who are obliged to collect the same; For the Remedying of which Inconveniency for the future, BE IT ENACTED by the Authority aforesaid, That it shall and may be lawful to and for the Overseers of the Poor of the City of *Philadelphia*, for the said City, having first obtained the Approbation of the Mayor or Recorder, with any two of the Aldermen of the said City, and for the Overseers of the Poor of the several Townships within this Province, having first obtained the Approbation of any two Magistrates living next to the Township where any Poor's Tax shall be raised, to make or lay any Rate not exceeding *Three pence in the Pound* at one Time, upon all the Estates liable to be rated, and in the manner directed to be raised and levied by the aforesaid Act of Assembly *for the Relief of the Poor*, and not exceeding *Nine Shillings per Head* on all Freemen not otherwise rated, any thing in the aforesaid Act of Assembly, or any other Law, Custom, or Usage of this Province to the contrary in any wise notwithstanding.

An overseer must not lay out Money before he hath it, if he doth & he is removed or displaced or his Time expires before he makes a Rate to reimburse himself the Succeed. Overseers Cart. 2 Salk. 531.

The Overseers may lay a Rate of Three-pence in the Pound and Nine Shillings per Head.

AND for the more easy Discovery, certain Knowledge, and well Management of the Affairs of the Poor within this Province, and of what Monies are raised for the Use of the Poor, and to what Uses applied, BE IT FURTHER ENACTED by the Authority aforesaid, That all and every Overseer and Overseers of the Poor of any City or Township within this Province, shall at their laying any Rate for the Relief of the Poor of their respective Cities or Townships, and they are hereby obliged to deliver to one of the Justices of the Peace, who allows such Rate, a fair Duplicate of the same, signed by such Overseer or Overseers, and shall likewise deliver to the respective Overseer or Overseers who shall succeed them, fair and true Lists of the Poor of their respective City or Townships, with such Certificates and Notices as shall be delivered or given to them upon the coming of any Person from the City of *Philadelphia* into any Township of this Province, or of the coming of any Person from any such Township into the City of *Philadelphia*, or into any other Township within this Province, as by this Act is provided and directed; for which Trouble the Justices are hereby required to make such Allowance to the respective Overseer or Overseers of the Poor, within this Province, at their going out of their Office, as to them shall seem reasonable, for their making such Duplicates of the Rates by them laid, and for the Charge and Trouble they may be at in making fair Lists of their Poor, and of the Notices and Certificates herein directed to be delivered to their Successors, of which said Notices and Certificates a Register or Entry shall be made, by the respective Overseers of the Poor to whose Hands the same shall come, in a Book for that Purpose to be by them provided and kept; which Book shall likewise be delivered by the Overseers aforesaid to their respective Successors in the said Office.

Overseers to deliver to a Justice, a Duplicate of the Rates lav'd; and a List of the poor to their Successors, &c.

AND WHEREAS Complaints have been made against Overseers of the Poor, who have supplied the Poor with Necessaries out of their own Stores and Shops at exorbitant Prices and also against Overseers who have paid unreasonable Accounts to their Friends or Dependants, for Services done the Poor; AND WHEREAS the *Twenty-fifth* Day of *March* appointed by the aforesaid *Act for the Relief of the Poor*, is found by Experience not to be a sufficient time for Examining and Settling the Accounts of the several Overseers, and for regulating and redressing the Abuses that may be complained of; BE IT THEREFORE ENACTED by the Authority aforesaid, That the Magistrates of the respective Counties, or any three of them, within this Province, for the said Counties, shall and may on the *Twenty-fifth* Day of *March*, and within three Days next after the said Day, and the Mayor or Recorder, with any two Aldermen of the City of *Philadelphia*, for the said City, shall and may on the said *Twenty-fifth* Day of *March*, and at any time within one Month after the said Day, annually, examine and settle the said Overseers Accounts; and shall have full Power to allow such Accounts and Sums only, as to them shall seem just and reasonable.

Overseers Accounts to be examined and allowed by the Magistrates, &c.

AND WHEREAS the Alms-house built for the City of *Philadelphia*, may, if well regulated, be of Service, and help to ease the Inhabitants of the Taxes yearly assessed on them for the Maintenance of the Poor, BE IT ENACTED by the Authority aforesaid, That the Mayor and Recorder, with any two or more Aldermen of the said City of *Philadelphia*, shall from time to time have Power and Authority to chuse and appoint a sober and discreet Person to reside in the said Alms-house, for taking Care of the Poor therein, and, where it may be needful, to direct the Receiving into the said Alms-house such Poor, and to employ such Persons in the Service of the said House and care of the Poor, and generally to give such Orders and Instructions for the well-ordering of the said House, and the Poor of the said City, as to the said Mayor and Recorder with any two or more Aldermen of the said City, shall seem just and reasonable, and to enjoin Obedience to the same.

Alms-House of Philadelphia, who are to have the Government of it.

AND WHEREAS the Overseers of the Poor of the City of *Philadelphia*, and the respective Townships within this Province, at going out of their Office, not only frequently neglect or refuse to deliver to the Justices, a fair and true Account of the Monies by them received for the Use of the Poor, but likewise leave considerable Sums of Money by them assessed for the Maintenance of the Poor, uncollected, by which means it comes to pass that the Monies remaining uncollected are lost, and the Burthen of maintaining the Poor falls heavy on such as have paid their Money; For remedying of which Inconveniency for the future, BE IT ENACTED by the Authority aforesaid, That all and every the Overseer and Overseers of the Poor of the City of *Philadelphia*, and the respective Townships within this Province, shall, at their going out of their Office render a fair and true Account to the Magistrates of the City of *Philadelphia* for the said City, and to the Justices of the respective Counties in which they live, of all the Monies assessed by them, or that hath otherwise come to their Hands, and how the same hath been disposed of, and also what part shall be remaining in their Hands, and to pay the same to the succeeding Overseer or Overseers; And if any Overseer or Overseers of any Poor within this Province, shall refuse

Overseers to render a fair Account, at going out of their Office.

fuſe or neglect to render ſuch Account to the Juſtices as aforeſaid, and to pay what ſhall be remaining in their Hands, according to the Direction of the reſpective Magiſtrates who ſhall have the Right of Examining their Accounts, it ſhall and may be lawful to and for the ſaid Juſtices, or any three of them, to commit ſuch Overſeer or Overſeers to the County Goal, without Bail or Mainprize, until ſuch Overſeer or Overſeers ſhall render a true and fair Account, and pay ſuch Monies as ſhall appear to be remaining in his or their Hands, to the ſucceeding Overſeer or Overſeers of the Poor of the ſaid City or Townſhip to which they reſpectively belong.

AND if any Overſeer or Overſeers of the Poor of the City of *Philadelphia*, or of any Townſhip within this Province, hath or have neglected or refuſed, or ſhall neglect or refuſe to collect and pay to the ſucceeding Overſeers, all ſuch Sums of Money as is or ſhall be remaining in their Hands, or uncollected at their going out of his or their Office, which they are hereby enabled to collect by Warrant under the Hands and Seals of any two Magiſtrates within the ſaid City or Counties, within the Space of *Thirty* Days after Notice and Requeſt made to them ſo to do, by any Juſtice of the Peace, and being duly convicted thereof before any three Juſtices of the City or County to which they belong to it ſhall and may be lawful to and for the Mayor or Recorder, and any two of the Aldermen of the ſaid City, and for any three Juſtices of the Peace of the County in which ſuch Delinquent Overſeer or Overſeers dwell, by Warrant under their Hands and Seals to commit ſuch Delinquent Overſeer or Overſeers to the Goal of the County to which they belong, there to remain without Bail or Mainprize until the ſame ſhall be paid. Penalty if they neg. or refuſe to collect and pa what is allefied.

AND to the End that the Poor may not ſuffer for want of proper Perſons to take due care of them in their Sickneſs or Neceſſities, BE IT ENACTED by the Authority aforeſaid, That in caſe of the Death or want of any Overſeer of the Poor of the City of *Philadelphia*, or of any Townſhip within this Province, it ſhall and may be lawful to and for the Mayor, Recorder, and any two Aldermen, or the Mayor or Recorder with any two Aldermen of the City of *Philadelphia*, for the City of *Philadelphia*, and any two Juſtices of the Peace of the County in which ſuch Townſhip lies, to appoint one or more Overſeers of the Poor for the ſaid City or Townſhip as the Caſe may require, at any time when there ſhall be occaſion; which Overſeer or Overſeers when ſo appointed ſhall be ſubject to the ſame Rules and Penalties and obliged to the Performance of the ſame Duties and Services as if he or they, had been appointed at the Time in the firſt recited Act of Aſſembly mentioned, any thing in the aforeſaid Act, or any other Law of this Province to the contrary in any wiſe notwithſtanding. How the Fines and Forfeitures &c are to be recovered, &c.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That the ſeveral Fines, Forfeitures and Penalties, Sum and Sums of Money, impoſed or directed to be paid by this Act, and not herein otherwiſe directed to be recovered, the ſame and every of them ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Delinquent or Offender, by Warrant under the Hands and Seals of the Mayor and Recorder, or of the Mayor or Recorder and one or more Aldermen of the City of *Philadelphia*, for the ſaid City, and under the Hands and Seals of any two or more Juſtices of the Peace of the County where the Delinquent or Offender dwells, or is to be found; and after Payment or Satisfaction made of the reſpective Forfeitures Fines, Penalties and Sums of Money directed to be levied by ſuch Warrant as aforeſaid, together with ſuch legal Charges as ſhall become due in the Recovery thereof, the Overplus, if any, to be returned to the Owner or Owners of ſuch Goods or Chattels, his or her Executors or Adminiſtrators. How new Overſeers are to be appointed in caſe of Death, &c.

PROVIDED ALWAYS, That if any Perſon or Perſons ſhall find him or themſelves aggrieved with any Judgment of the Juſtices given out of their Seſſions, in Purſuance of this Act, ſuch Perſon or Perſons may appeal to the next General Quarter-Seſſions of the Peace for the County or City where ſuch Judgment or Sentence was given, whoſe Deciſion in all ſuch Caſes ſhall be concluſive.

Paſſed *March* 29*th*. 1735. Recorded A, Vol. 3. p. 29.

CCCXXIII. *An* ACT *for confirming the Election of the Commiſſioners and Aſſeſſors for the County of* Bucks Obſolete.

Paſſed *March* 29*th*. 1735. Recorded A, Vol. 3. p. 38.

CCCXXIV. *An* ACT *to prevent the Damages which may happen by Firing of Woods.*

WHEREAS by an Act of the General Aſſembly of this Province, paſt in the Twelfth Year of the Reign of King *William* the third, it is enacted, That whoſoever ſhall preſume to ſet on Fire any Woods, Lands or Marſhes in this Province, or Territories, before the firſt Day of the firſt Month yearly or after the firſt Day of the third Month, ſhall make good all Damages that ſhall thereby happen to any the Inhabitants thereof; AND WHEREAS it hath on Experience been found that the ſetting the Woods on Fire at any Time hath proved rather hurtful than beneficial to this Province, and great Loſſes have happened by Occaſion of ſuch Fires; For prevention thereof BE IT ENACTED, by *PATRICK GORDON*, Eſq; Lieutenant-Governor with the King's Royal Approbation, under the Honourable *John Penn*, *Thomas Penn*, and *Richard Penn*, Eſqrs; true and abſolute Proprietaries of the Province of *Pennſylvania*, and of the Counties of *New Caſtle*, *Kent* and *Suſſex*, on *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That the Act of Aſſembly herein before recited, and every Clauſe and Article therein, be and is hereby repealed to all Intents, Conſtructions and Purpoſes whatſoever.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That whoſoever ſhall preſume at any Time or Times hereafter to ſet on Fire, or cauſe to be ſet on Fire any Woods, Lands or Marſhes whatſo-

ever within this Province, ſo as thereby to occaſion any Loſs, Damage or Injury to any other Perſon or Perſons, every ſuch Perſon or Perſons ſo offending, ſhall be and are hereby declared liable to make Satisfaction for the ſame, in any Action or Actions on the Caſe, to be brought by the Party or Parties grieved, in the Court of Common-Pleas in the County where the Offense was committed.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforeſaid, That where the Party injured ſhall not Demand above *Forty Shillings* for his Loſs or Damage, it ſhall and may be lawful to and for ſuch Perſon or Perſons to apply to any Juſtice of the Peace of the County where the Offence is committed, who is hereby impowered and required by Warrant under his Hand and Seal, to cauſe the Party offending to be brought before him, or ſome other Juſtice of the Peace of the ſame County, and if upon Examination it ſhall appear to ſuch Juſtice by the Teſtimony of one or more credible Witneſſes, that the Defendant is guilty of the Charge exhibited againſt him, then the ſaid Juſtice ſhall iſſue forth his Warrant to two or more ſubſtantial Freeholders of the Neighbourhood, thereby commanding them in the Preſence of the Defendant, (if he will be preſent) to view the Place or Thing damnified, or enquire into the Loſs ſuſtained by the Plaintiff, and to certify to the ſaid Juſtice upon their Oath or Affirmation, what Damage in their Judgment the Plaintiff hath ſuſtained by Occaſion of the Premiſſes; and that upon Return of ſuch Certificate to the ſaid Juſtice, he is hereby impowered to grant Execution for the Recovery of the ſaid Damages, together with ſuch Coſts of Proſecution, as is uſual in the Recovery of Debts under *Forty Shillings*.

PROVIDED ALSO, That no Coſts of Suit ſhall be paid to any Plaintiff, in any Suit to be brought for any Matter or Thing in this Act mentioned, if the Jury who ſhall try the Cauſe, do not aſſeſs above *Forty Shillings* Damages, any Law Cuſtom or Uſage to the contrary, in any wiſe notwithſtanding.

PROVIDED ALSO, That where any Offence ſhall be committed againſt the Tenor of this Act, by any Servant, Negro or Slave, without the Direction of his, her or their Maſter or Miſtreſs reſpectively, and ſuch Offender be thereof duly convicted by the Oath or Affirmation of one credible Witneſs, before any Juſtice of the Peace of the reſpective Counties, ſuch Offender or Offenders, unleſs his or her Maſter or Miſtreſs will pay the Damages ſuſtained, with Coſts of Suit, ſhall be whip'd with any Number of Stripes, not exceeding *Twenty-one*, on his or her bare Back, at the Diſcretion of the Juſtice, before whom the Party ſhall be convicted, and further ſhall be committed to the Work-Houſe of the County where the Offence is committed, there to remain until the Coſts of Proſecution ſhall be paid.

Paſſed *March 29th.* 1735. Recorded A, Vol. 3. p. 41.

CCCXXV. *An* ACT *for the better enabling divers Inhabitants of the Province of* Pennſylvania *to hold Lands; and to inveſt them with the Privileges of natural-born Subjects of the ſaid Province.*

WHEREAS by the Encouragement given by the Honourable *William Penn*, Eſq; late Proprietary and Governor of the Province of *Pennſylvania*, and by the Permiſſion of our preſent Sovereign King *George* the Second, and his Predeceſſors Kings and Queens of *England*, &c, divers Proteſtants who were Subjects of the Emperor of *Germany*, and other Foreign Princes in Amity with the Crown of *Great-Britain*, tranſported themſelves and Eſtates into the Province of *Pennſylvania*, and ſince they came hither have contributed to the Enlargement of the *Britiſh* Empire, and to the raiſing and improving ſundry Commodities fit for the Markets of *Europe*; and have behaved themſelves peaceably, and paid a due Regard and Obedience to the Laws and Government of this Province.

AND WHEREAS many of the ſaid Perſons, to wit, *John Diemer*, *David Scholtze*, *Peter Hillegas*, *Wilhelm Ziegler*, *Paulus Kripner*, *Jacob Seyl*, *George Scholtze*, *Ulrich Aller*, *Caſpar Ulrich*, *Henry Van Aken*, *John Iden*, *Adam Klamter*, *Anthony Benezet*, of the City of *Philadelphia*, *Anthony Boehm*, *Conrad Benſell*, *Adam Romich*, *Frederick Reymer*, *Joſeph Graff*, *Henry Shlingloff*, *Michael Berger*, *George Souber*, *Alexander Dihl*, *Jacob Bowman*, *Gottlieb Herger*, *Daniel Schoner*, *Adam Galar*, *Nicholas Leiſher*, jun. *Peter Souber*, *Conrad Reble*, *Hans George Weigert*, *Chriſtopher Mink*, *Johannes Zirwer*, *Sebaſtian Reiffſhneider*, *Jacob Kemp*, *Jacob Hill*, *John Souber*, *Abraham Zimmerman*, *Chriſtian Weber*, *Nicolas Keyſer*, *Martin Pitting*, *Conrad Keer*, *Conrad Kuſter*, *Jacob Dubre*, *Anthony Zadouski*, *Hans Pingeman*, *Andreas Kraver*, *Lodwick Pitting*, of the County of *Philadelphia*, *John George Kinkner*, *William Morey*; *Peter Schneider*, *John Joder*, *Chriſtian Klimmer*; *John Joder*, jun. *Joſeph Eberhart*, *Michael Eberhart*, *John Brecht*, *Henry Schneider*, *George Zeiwitz*, *Michael Weber*, *Ulrich Rubel*, *Jacob Kangweer*, *Diter Gauff*, *Henry Rinker*, of the County of *Bucks*, *George Donat*, *Garret Brownback*, of the County of *Cheſter*, *John George Beard*, *John Caſper Stover*, *Michael Weidler*, *Frederick Elberſchidt*, *Peter Entzminger*, *Jacob Kersberger*, *Jacob Byerly*, *Jacob Leman*, and *Michael Byerly*, of the County of *Lancaſter*, in the ſaid Province, in Demonſtration of their Affection and Zeal for the Perſon and Government of Our preſent Sovereign King GEORGE the Second, have qualified themſelves by taking and ſubſcribing the ſeveral Oaths and Declarations or ſolemn Affirmations directed to be taken and ſubſcribed by ſeveral Acts of Parliament, made for the Security of the King's Perſon and Government, and for preventing the Dangers which may happen by Popiſh Recuſants, &c. and thereupon, have humbly applied to the Governor and the Repreſentatives of the Freemen of this Province, in General Aſſembly met, ſetting forth their great Deſire of being made Partakers of thoſe Privileges which the natural-born Subjects of *Great Britain* do enjoy within this Province; and it being juſt and reaſonable that thoſe Perſons who have given ſuch Teſtimony of their Affection and Obedience

dience to the Crown of *Great Britain*, ſhould as well be ſecured in the Enjoyment of their Eſtates, as encouraged in their laudable Affection to, and Zeal for the *Engliſh* Conſtitution,

BE IT ENACTED by PATRICK GORDON, Eſq; Lieutenant Governor with the King's Royal Approbation under the Honourable *John Penn*, *Thomas Penn*, and *Richard Penn*, Eſqrs; true and abſolute Proprietaries of the Province of *Pennſylvania*, and of the Counties of *New-Caſtle*, *Kent* and *Suſſex* on *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That *John Diemer*, *David Scholtze*, *Peter Hillegas*, *Wilhelm Zeigler*, *Paulus Kripner*, *Jacob Seyl*, *George Scholtze*, *Ulrich Aller*, *Caſpar Ulrich*, *Henrich Van Aken*, *John Iden*, *Adam Klamter*, *Anthony Benezet*, of the City of *Philadelphia*, *Anthony Boehm*, *Conrad Benſell*, *Adam Romich*, *Fredriek Reymer*, *Joſeph Graff*, *Henry Slingloof*, *Michael Berger*, *George Souber*, *Alexander Dihl*, *Jacob Bowman*, *Gottlieb Herger*, *Daniel Schoner*, *Adam Galar*, *Nicholas Leiſher*, *jun*, *Peter Souber*, *Conrad Reble*, *Hans George Weigert*, *Chriſtopher Mink*, *Johannes Zirwer*, *Sebaſtian Reiffſhneider*, *Jacob Kemp*, *Jacob Hill*, *John Souber*, *Abraham Zimmerman*, *Chriſtian Weber*, *Nicholas Keyſer*, *Martin Pitting*, *Conrad Keer*, *Conrad Kuſter*, *Jacob Dubre*, *Anthony Zatouski*, *Hans Pingeman*, *Andreas Kraver*, *Lodwick Pitting*, of the County of *Philadelphia*, *John George Kinkner*, *William Morey*, *Peter Schneider*, *John Joder*, *Chriſtian Klimmer*, *John Joder*, *jun*, *Joſeph Eberhart*, *Michael Eberhart*, *John Brecht*, *Henry Shneider*, *George Zeiwitz*, *Michael Weber*, *Ulrich Rubel*, *Jacob Kangweer*, *Diter Gauff*, *Henry Rincker*, of the County of *Bucks*, *George Donat*, *Garret Brownback*, of the County of *Cheſter*, *John George Beard*, *John Caſpar Stover*, *Michael Weidler*, *Fredrick Eberſchidt*, *Peter Entzminger*, *Jacob Kersberger*, *Jacob Byerly*, *Jacob Leman*, and *Michael Byerly*, of the County of *Lancaſter*, in the ſaid Province, be and ſhall be to all Intents and Purpoſes deemed, taken and eſteemed the King's Natural-born Subjects of this Province of *Pennſylvania*, as if they and each of them had been born within the ſaid Province; and ſhall and may, and every of them ſhall and may within this Province, take receive, enjoy, and be entituled to all Rights, Priviledges and Advantages of Natural-born Subjects, as fully to all Intents, Conſtructions and Purpoſes whatſoever, as any of the King's Natural-born Subjects of this Province can, do, or ought to enjoy.

Paſſed *March* 29*th*, 1735. Recorded A, Vol. 3. p. 43.

CCCXXVI. *An* ACT *for the more effectual veſting and ſettling certain Lands in* George M'Call, *purſuant to the Covenants and Agreements of all the Parties having any Intereſt in the ſame.*

WHEREAS it hath been made appear to this Aſſembly, That the late Honourable WILLIAM PENN, Eſq; Proprietor of the Province of *Pennſylvania*, did, by his Letters Patent, bearing Date the Twenty-fifth Day of *October*, in the Year of our Lord One Thouſand Seven Hundred and One, grant unto *Samuel Carpenter*, *Iſaac Norris*, and *Edward Pennington*, Twelve Thouſand Acres of Land, with the Appurtenances, lying in the County of *Philadelphia*, To hold to them the ſaid *Samuel Carpenter*, *Iſaac Norris*, and *Edward Pennington*, and the Survivors and Survivor of them, and to the Heirs and Aſſigns of the Survivor of them for ever in Truſt, and to the Uſe and Behoof of his Son *John Penn*, and the Heirs of his Body lawfully to be begotten, and for Want of ſuch Iſſue to the Heirs of the Donor, on the Body of his Wife *Hannah*, begotten or to be begotten; and for Default of ſuch Iſſue, then as to five full Twelfth Parts of the ſaid Lands, and Premiſes, with the Appurtenances, to the Uſe of his ſaid Wife *Hannah*, and her Heirs, for ever; and as to ſeven full twelfth Parts Reſidue of the ſaid Lands and Premiſes with the Appurtenances to the Uſe of the right Heirs and Aſſigns of him the ſaid Donor for ever; and with the further Truſts, that the ſaid *Samuel Carpenter*, *Iſaac Norris*, and *Edward Pennington*, the Survivors and Survivor of them, and the Heirs and Aſſigns of ſuch Survivor ſhould, from time to time, during the Nonage of the ſaid *John Penn*, or any other Perſon or Perſons having a Remainder expectant, by Virtue of the ſaid Letters Patent, grant, bargain, ſell, enfeoff, alienate, and confirm the aforeſaid Twelve Thouſand Acres of Land, and Premiſes, with the Appurtenances, or any Part thereof, to the beſt Advantage, in Fee-ſimple, or otherwiſe, to ſuch Perſon or Perſons, his or their Heirs, Executors, Adminiſtrators or Aſſigns reſpectively, as ſhould purchaſe or farm the ſame; and that the ſaid Truſtees, and the Survivors and Survivor of them, and the Heirs and Aſſigns of ſuch Survivor, ſhould, from time to time, employ and apply the Money and Profits ariſing by Sale or Demiſe of the ſaid Lands and Premiſes, or any Part thereof, to the only Uſe and Behoof of the ſaid *John Penn*, his Heirs and Aſſigns, or to the Uſe and Behoof of ſuch other Perſon or Perſons having Remainder or Remainders expectant, as aforeſaid, PROVIDED nevertheleſs, that the Profits or Effects of the ſaid Lands, ariſing as aforeſaid, nor any Part thereof, ſhould be applied or diſpoſed of otherwiſe than by Conſent of the Guardian or Guardians of the ſaid *John*, or other Perſon or Perſons in Expectancy, as aforeſaid, in Writing, under his, her, or their Hands and Seals, firſt had for that Purpoſe, AND whereas it is likewiſe made appear, That Five Thouſand Acres, Part of the ſaid Twelve Thouſand Acres of Land, is the proper Eſtate of the ſaid *John Penn*, Eſq; by the Grant or Deviſe of *Thomas Callowhill*, Grandfather of the ſaid *John Penn*, and not liable to be ſettled in the Manner contained in the ſaid Letters Patent: AND whereas it further appears, That the other Children of the ſaid *William Penn*, Eſq; by his Wife *Hannah*, *Thomas Penn*, and *Richard Penn*, Eſquires, and *Margaret Penn*, now the Wife of *Thomas Freame*, together with her ſaid Husband, and *William Penn*, Eſq; Grandſon and Heir at Law to the ſaid *William Penn*, Eſq; the Grantor, being deſirous that the ſaid whole Twelve Thouſand Acres of Land ſhould be veſted in the ſaid *John Penn*, and his Heirs, abſolutely, that he and they may diſpoſe of the ſame at his and their Pleaſure, did, by their Indentures of Leaſe and Releaſe, dated the firſt and ſecond Days of *July*, One Thouſand Seven Hundred and Thirty-four, grant, bargain, ſell, remiſe, releaſe, and confirm,

ſitun, all the ſaid Twelve Thouſand Acres of Land, with the Appurtenances; and the Reverſions and Remainders thereof, or any Part thereof, to the ſaid *John Penn*, his Heirs and Aſſigns, for ever. And by the ſaid Indentures did further direct and appoint the ſaid *Iſaac Norris*, the ſurviving Truſtee, and his Heirs (the aforeſaid *Samuel Carpenter*, and *Edward Pennington*, being then dead) to convey the ſaid Twelve Thouſand Acres of Land, and Premiſes, with the Appurtenances, to, and to the Uſe of the ſaid *John Penn*, his Heirs and Aſſigns, for ever. And by the ſaid Indentures did likewiſe conſent, That any Act of Parliament in *Great-Britain*, and any Act of Aſſembly in *Pennſylvania*, ſhall and may be paſſed and made for the abſolute veſting all and every the ſaid Twelve Thouſand Acres of Land, with the Appurtenances, in the ſaid *John Penn*, his Heirs and Aſſigns, or in ſuch other Perſon or Perſons as he or they ſhall appoint, to and for his and their own proper Uſe, Benefit and Behoof. AND whereas the ſaid *Iſaac Norris*, is ſince deceaſed, and *Iſaac Norris* his Son and Heir at Law, in Conformity to the Direction and Appointment of the ſaid *William Penn*, *Thomas Penn*, *Richard Penn*, *Thomas Freame*, and *Margaret* his Wife, and in Diſcharge of the Truſt repoſed in him as Heir to the ſurviving Truſtee, granted and releaſed all the aforeſaid Twelve Thouſand Acres of Land, with the Appurtenances, unto the ſaid *John Penn*, and his Heirs, to hold to him the ſaid *John Penn*, and his Heirs and Aſſigns, for ever. AND whereas the ſaid *John Penn*, by his Indentures of Leaſe, and Releaſe, bearing Date the nineteenth and twentieth Days of *June*, One Thouſand Seven Hundred and Thirty-five, for the Conſideration of *Two Thouſand Guineas*, to him paid and ſatisfied by *George M'Call*, of the City of *Philadelphia*, Merchant, did grant, bargain, and ſell, all the aforeſaid Twelve Thouſand Acres of Land, with the Appurtenances which, upon a Re-ſurvey of the ſame lately made, by the Authority of the Proprietors of *Pennſylvania*, is found to contain Fourteen Thouſand and Sixty Acres of Land, and is bounded as in the laſt recited Deed is ſet forth and deſcribed, *to wit*, Situate in the County of *Philadelphia*, Beginning at a Corner of the *Germans* Tract of Land, the ſaid Corner being on the Bank of the River *Schuylkill*, on the *Eaſt* Side thereof; and extending thence by the ſaid Land *North*, forty Degrees *Eaſt*, three Thouſand four Hundred and twenty Perches, to a Hickery Tree, near the *Weſt-Branch*, of *Perkiomie Creek*; thence by a Line of marked Trees, and croſſing the ſaid Branch *North*, fifty Degrees *Weſt*, ſix Hundred and twenty Perches, to a marked white Oak; thence by a Line of marked Trees *South*, forty Degrees *Weſt*, three Thouſand eight Hundred and forty Perches, to the aforeſaid River; thence down by the ſame, on ſeveral Courſes, eight Hundred and forty Perches, to the Place of Beginning. AND whereas the ſaid *George M'Call*, hath humbly beſought this Aſſembly, that an Act may paſs, agreeable to the Appointment and Direction of all the Parties before named, for veſting in him and his Heirs the aforeſaid Tract of Land, as the ſame is now reſurveyed and ſold to him for Fourteen Thouſand and Sixty Acres of Land, with the Appurtenances, in the Manner before ſet forth; BE IT THEREFORE ENACTED by the Honourable PATRICK GORDON, Eſq; Lieutenant Governor of the Province of *Pennſylvania*, and Counties of *New-Caſtle*, *Kent* and *Suſſex* on *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, at the Suit of the ſaid *George M'Call*, That all the ſaid Fourteen Thouſand and Sixty Acres of Land, with the Appurtenances, ſituate, lying and being in the County of *Philadelphia* as aforeſaid, as the ſame is before ſet forth and deſcribed in the Re-ſurvey made of the ſame, and every Part and Parcel thereof, with all Houſes, Orchards, Fencings, Woods, Rivers, Creeks, Mines, Minerals, (the fifth Part of all Royal Mines of Silver and Gold reſerved to the King only excepted) Huntings, Hawkings, Fiſhings, Fowlings, with all and ſingular the Privileges and Appurtenances to the ſame, or any Part thereof belonging or appertaining, or accepted, reputed, taken, uſed, occupied or enjoyed, as Part or Parcel of the ſame, ſhall immediately from and after the Publication of this Act, be actually veſted and ſettled in the ſaid *George M'Call*, his Heirs and Aſſigns, for ever. And that the ſaid *George M'Call*, ſhall be ſeized thereof, and of every Part thereof, (except before excepted) to him and his Heirs, and may hold and enjoy the ſame, free from any Eſtates, Uſes, Entails, Limitations, Remainders, Charges or Proviſions, had and made by the ſaid Letters Patent, Saving to the King his Heirs and Succeſſors, and to all Perſons, Bodies Politick and Corporate, their Heirs and Succeſſors, Executors and Adminiſtrators (other than ſuch as claim under the ſaid WILLIAM PENN, Eſq; late Proprietor as aforeſaid, by Virtue of the ſaid Letters Patent, or any Grant, Gift or Thing, therein contained) all ſuch Right, Title, and Intereſt, as they or any of them have, or may have, to the ſaid Lands, or any Part thereof, this Act, or any Thing therein contained to the contrary in any wiſe notwithſtanding.

Paſſed *June* 24*th*. 1735. Recorded A, Vol. 2. p. 428.

Confirmed by the King in Council.

IX. Geo. II. A. D. 1735.

CCCXXVII. *An* ACT *for the more ſpeedy and eaſy Recovery of ſmall Debts.* Expired.

Paſſed *March* 20*th*. 1735-36. Recorded A, Vol. 3. p. 45.

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p. 7.

CCCXXVIII. *A Supplement to the Laws for laying out of High-ways and Publick Roads.*

WHEREAS by a Law of this Province, enabling the Juſtices in each County to lay out and confirm all Roads, except the King's Highways and publick Roads, it is provided that all Roads within this Province, laid out by the Directions of the ſaid Act, ſhall be publick Highways and ſhall be cleared and maintained at the Charge or by the Inhabitants of the Townſhip in which the ſaid Road lies, and that if any Part of ſuch Road, altho' the ſame be laid out for the Conveniency of one or but few Perſons, ſhall happen to be laid out thro' the improved Ground of any Perſon, the ſaid improved Ground is to be valued as by the ſaid Act is directed, and paid for

for, out of the County Stock; which Parts of the ſaid Law have, ſince the great Increaſe of our Inhabitants, been found to be very inconvenient and burthenſome as well to the Publick as to private Perſons; For Remedying of which Inconveniency, BE IT ENACTED by PATRICK GORDON, Eſq; with the King's Royal Approbation, Lieutenant Governor under the Honourable JOHN PENN, THOMAS PENN, and RICHARD PENN, Eſqrs; true and abſolute Proprietaries of the Province of *Pennſylvania*, and of the Counties of *New-Caſtle*, *Kent* and *Suſſex*, on *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That upon the Application of any Perſon or Perſons to the Juſtices of the General Quarter-Seſſions of the Peace, for a Road to be laid out from or to the Plantation or Dwelling-Place of any Perſon or Perſons, to or from the Highway, the ſaid Juſtices ſhall and they are hereby impowered to order and direct a View of the Place where the Road is requeſted to be laid, and Return thereof to be made in the ſame Manner as by the before-mentioned Act of Aſſembly is directed and appointed; and if a Road ſhall be found neceſſary, the ſaid Juſtices ſhall further order and appoint of what Breadth the ſaid Road ſhall be, ſo as the ſame exceed not thirty-three Foot.

Breadth of Cartways limited.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That any Road or Cart-way laid out in purſuance of this Act, not exceeding Thirty-three Foot in Breadth, being firſt paid for, by the Perſon or Perſons herein after directed to pay for the ſame, ſhall then be recorded, and from thence forward ſhall be allowed to be a common Road or Cart-way, as well for the Uſe and Conveniency of the Perſon or Perſons at whoſe Requeſt the ſame was laid out, as for the Uſe and Conveniency of all ſuch as ſhall have Occaſion to travel to and from the Plantations or Dwellings of ſuch Perſons upon whoſe Application the ſame Road was laid out, and ſhall be cleared and maintained by the Perſons uſing the ſame to and from their reſpective Dwellings; And if any ſuch Perſon or Perſons being ſummoned by the Overſeers of the Highways to aſſiſt in clearing or maintaining any ſuch Cart-way or Road, ſhall refuſe or neglect to attend and give his Aſſiſtance in doing the ſame, he ſhall be ſubject to the like Penalties, to be recovered in the like Manner as in and by an Act of Aſſembly of this Province, Entituled, *An Act for erecting of Bridges and maintaining High-ways*, is provided and directed in Caſe of the Non-attendance of any Perſon ſummoned to work in repairing of High-ways. And if it ſhall happen that the ſaid Road ſhall be laid out thro' any Man's improved Ground, then the ſame ſhall be valued as in the aforeſaid Act of Aſſembly is directed, and the Value thereof ſhall be paid to the Owner or Owners of the Land by the Perſon or Perſons at whoſe Requeſt and for whoſe Uſe the ſame was laid out, and by thoſe who ſhall uſe the ſame as a common Road to and from their own Dwellings.

To be paid for by the Petitioners & repaired by the Perſons uſing the ſame.

p. 29.

AND if the Owner or Owners of ſuch Lands through which any ſuch Cart-way ſhall be laid out, or if the Owner or Owners of Lands through which any Cart-way or Road has been already laid out in purſuance of the before mentioned Act of Aſſembly, the ſame Road being only for the Uſe of a few Families, ſhall be deſirous to hang Swinging-Gates upon ſuch Roads, it ſhall and may lawful for the Juſtices aforeſaid to appoint Perſons in the Manner directed for laying out Roads in the aforeſaid Act of Aſſembly, to enquire whether ſuch Gate or Gates may without much Inconveniency to the Perſons uſing the ſaid Road, be hung upon the ſame. And if the Perſons appointed to view the Place ſhall certify to the Juſtices aforeſaid, that a Gate or Gates may be hung according to the Prayer of the Party, without much Inconveniency to the Perſon or Perſons uſing the ſame, the Juſtices ſhall in ſuch Caſe order and appoint that ſuch Gate or Gates may be hung accordingly, and that the ſame ſhall be made and kept in good Repair by the Owner of the ſaid Land; and made eaſy for the Paſſage of the Perſons uſing the ſaid Road: The aforeſaid Act of Aſſembly or any other Law of this Province to the contrary in any wiſe notwithſtanding.

Swing Gates may be hung on ſuch Roads with the Conſent of the Juſtices.

Paſſed *March* 20*th*. 1735-36. Recorded A, Vol. 3. p. 49.

CCCXXIX. *An* ACT *for Veſting the* State-Houſe *and other Publick Buildings, with the Lots of Land whereon the ſame are erected, in Truſtees for the Uſe of this Province.*

WHEREAS by the Directions of the Repreſentatives of the Freemen of the Province aforeſaid, *Andrew Hamilton* and *William Allen*, Eſqrs; made Purchaſes of divers Lots of Land ſituate and being on the South Side of *Cheſnut-ſtreet* in the City of *Philadelphia*, lying contignos to each other, and bounded as followeth, *viz.* Beginning at a Corner on the Eaſt Side of the *Sixth-ſtreet* from *Delaware*, and on the South Side of *Cheſnut-ſtreet*, and extending thence by the ſaid *Cheſnut-ſtreet* South ſeventy-five Degrees Eaſt three Hundred and ninety-ſix Feet to a Corner on the Weſt Side of the *Fifth-ſtreet* from *Delaware*, thence by the ſame South fifteen Degrees Weſt three Hundred and thirty-ſeven Feet, thence by other Ground North ſeventy-five Degrees Weſt one Hundred forty-eight Feet and an half to a Line of a Lot of Ground reputed to be vacant, thence by the ſame, theſe three ſeveral Courſes and Diſtances next following, *viz.* North fifteen Degrees Eaſt eighty two Feet, thence North ſeventy-five Degrees Weſt ninety-nine Feet, thence South fifteen Degrees Weſt eighty two Feet, thence by other Ground North ſeventy-five Degrees Weſt one Hundred forty-eight Feet and an half to the Eaſt Side of the *Sixth-Street* aforeſaid, thence by the ſame North fifteen Degrees Eaſt three Hundred and thirty-ſeven Feet to the Place of Beginning.

Boundaries of the State-Houſe Lot.

AND WHEREAS ſince thoſe Purchaſes made, a State-Houſe and other Buildings have been erected on the Ground aforeſaid at the Charge of the Province, but the Eſtate and Inheritance therein yet remain in the ſame *Andrew Hamilton* and *William Allen*; NOW to the Intent that the ſaid State-Houſe, Buildings and Ground aforeſaid, may be effectually ſecured to the Uſe of this Province, it is thought neceſſary the Eſtate in the Premiſes ſhould be veſted in Truſtees for the Uſes, Intents and Purpoſes herein after ſpecified; to which End BE IT ENACTED by *PATRICK GORDON*, Eſq; Lieutenant Governor

with the King's Royal Approbation under the Honourable JOHN PENN, THOMAS PENN, and RICHARD PENN, Esqrs; true and absolute Proprietaries of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent*, and *Sussex* on *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That the aforesaid *Andrew Hamilton* and *William Allen* as soon as conveniently may be after the Publication of this Act, shall and they are hereby required by some good and sufficient Deed or Deeds, Assutance or Assurances in the Law, to grant, bargain, sell, enfeoff and convey unto *John Kinsey* of the City of *Philadelphia*, *Joseph Kirkbride*, jun, of the County of *Bucks*, *Caleb Compland* of the County of *Chester*, and *Thomas Edwards* of the County of *Lancaster*, Esqrs: the Lands Tenements and Hereditaments aforesaid, and all and singular the Appurtenances thereunto belonging or in any wise appertaining, *To have and to hold* to them the said *John Kinsey*, *Joseph Kirkbride*, jun. *Caleb Compland*, and *Thomas Edwards*, and the Survivors and Survivor of them, and to the Heirs of the Survivor of them for ever, YET NEVERTHELESS to the Uses, Intents, and Purposes herein after specified, and to no other Use, Intent or Purpose whatsoever, *That is to say*, To and for the Use of the Representatives of the Freemen aforesaid, which now are, and from time to time hereafter shall be duly elected by the Freemen aforesaid; and to and for such other Uses, Intents and Purposes as they the said Representatives at any Time or Times hereafter in General Assembly met shall direct and appoint.

To be vested in Trustees.

For whose Use.

PROVIDED ALWAYS, and it is hereby declared to be the true Intent and Meaning of these Presents, that no Part of the said Ground lying to the Southward of the State-House as it is now built, be converted into or made use of for Erecting any Sort of Buildings thereupon, but that the said Ground shall be inclosed, and remain a publick open Green and Walks for ever.

AND on this further Trust and Confidence, and to this further Intent and Purpose, that they the said *John Kinsey*, *Joseph Kirkbride*, jun. *Caleb Compland*, *Thomas Edwards*, and the Survivors and Survivor of them, and the Heirs of such Survivor, shall from time to time and at all times hereafter, permit and suffer such Suit or Suits, Action or Actions to be commenced and prosecuted in his or their Name or Names, and to make such Conveyance or Conveyances of the Lands, Tenements and Hereditaments or any Part or Parcel thereof to the Uses aforesaid, as the Representatives aforesaid in General Assembly met shall at any Time or Times hereafter direct and appoint: So always that they the said *John Kinsey*, *Joseph Kirkbride*, jun. *Caleb Compland*, and *Thomas Edwards*, and their Heirs, Executors and Administrators, and every of them, be well and truly indemnified, saved and kept harmless of and from any Costs, Charges, Troubles or Molestations whatsoever, which may arise or happen for or by Reason of such Suit or Suits, Conveyance or Conveyances so to be commenced, prosecuted made and executed.

Passed *March* 20*th*, 1735-6 Recorded A, Vol. 3. p. 51.

CCCXXX. *An* ACT *for regulating Retailers of Liquors near the Iron-Works.* Expired.

Passed *March* 20*th*. 1735-36. Recorded A, Vol. 3. p. 53.

CCCXXXI. *An* ACT *to remove the Trustees of the* General Loan-Office *of* Pennsylvania, *and appointing others to execute the said Trust.* Obsolete.

11. Geo. II. A. D. 1737.

Passed *August* 25*th*. 1738. Recorded A, Vol. 3. p. 55.

CCCXXXII. *An* ACT *for Laying an Excise on* Wine, Rum, Brandy, *and other Spirits.* Expired.

Passed *August* 25*th*. 1738. Recorded A, Vol. 3. p. 59.

CCCXXXIII. A Supplement to the Act, Entituled, *An Act for imposing a Duty on Persons convicted of heinous Crimes, and to prevent poor and impotent Persons being imported into this Province.*

WHEREAS by an Act of the General Assembly of this Province, past in the Third Year of the Reign of our Sovereign *GEORGE the Second* Entituled, *An Act for imposing a Duty on Persons convicted of heinous Crimes, and to prevent poor and impotent Persons being imported into this Province; Charles Read*, late of *Philadelphia*, Merchant, was appointed Collector of the Duties by the said Act imposed, who is since deceased. AND FORASMUCH as the Circumstances of the Province require the said Act should be put in Execution, and no Provision being therein made for appointing another Officer instead of the said *Charles Read*: THEREFORE, for remedying that Defect, BE IT ENACTED by the Honourable *GEORGE THOMAS*, Esqr; Lieutenant Governor of the Province of *Pennsylvania*; &c. by and with the Advice and Consent of the Representatives of the Freemen of said Province in General Assembly met, That *Thomas Glentworth* of *Philadelphia*, be, and he is hereby nominated and declared to be, Collector of the Duties imposed by the before-mentioned Act; and for the doing and performing all other Matters and Things appertaining to the said Office by Virtue of the said Act, as fully, amply and largely to all Intents and Purposes, as the said *Charles Read* in his Life-time was impowered to do, or could or might have done; and as fully as if the said *Thomas Glentworth* had been expresly named and appointed Collector of the Duties aforesaid in the Body of the said Act; he the said *Thomas Glentworth*, before the Entring upon the Execution of his Office, first taking an Oath or Affirmation before one of the Justices of the Peace of the County aforesaid (which the said Justice on Application to him made, by the said *Thomas Glentworth*, is hereby authorized and enjoyned to administer) for the faithful and impartial Discharge

Discharge of the Trust by Virtue of this Act committed to him, according to the best of his Skill and Knowledge.

AND BE IT FURTHER ENACTED, That if the aforesaid *Thomas Glentworth* shall by any Accident be rendred incapable, or neglect to execute the said Office, or shall misbehave himself therein, or shall happen to dye, that then and so often it shall and may be lawful to and for the Mayor, Recorder and Aldermen of the City of *Philadelphia*, or the Majority of them, to supply his or their Place by some other fit and capable Person, who shall thereupon be the Officer for putting the Act aforesaid in Execution, until the Assembly shall appoint another.

PROVIDED ALWAYS, That before the said Officers, or either of them, shall do any Thing in Execution of their said Office, they shall each of them respectively take an Oath or Affirmation in Manner aforesaid, faithfully and impartially to perform the Duty and Trust committed to them, to the best of their Skill and Capacity, according to the Direction of the Act aforesaid.

Passed *September* 2*d*, 1738. Recorded A, Vol. 3 p. 67.

CCCXXXIV *An* ACT *for the more effectual preserving the* Credit of our Paper-Money, *and recovering the Proprietary* Quit-Rents. *Expired.* XII Geo. II. A. D. 1738.

Passed *May* 19*th*. 1739. Recorded A, Vol. 3. p. 69.

CCCXXXV *An* ACT *for the better enabling divers Inhabitants of the Province of* Pennsylvania, *to trade and hold Lands within the said Province.*

WHEREAS, by the Royal Charter of the late King *Charles* the Second, to *William Penn*, Esq; late Proprietary and Governor of the Province of *Pennsylvania*, Licence is granted to all Persons not specially forbidden, to transport themselves and Families into the said Province, in such Shipping as by the Laws of the Kingdom of *England* they ought to use, paying the Customs therefore due, and here to settle themselves, dwell and inherit, and plant for the publick and their own private Advantage; with Licence to purchase and hold Lands in Fee simple, or otherwise, of the said Proprietary and his Heirs, with full Licence to all Persons who shall from time to time repair hither, with a purpose to inhabit, or trade with the Natives of this Country, to load, freight, and transport, all and singular their Goods, Wares and Merchandizes, not prohibited by the Laws and Statutes of *England*, into any Ports whatsoever of the said late King, his Heirs and Successors according to the Laws made or to be made within the said Kingdom of *England*, saving always to the said late King his Heirs and Successors, the legal Imposi-tions, Customs or other Duties, due or to become due by any Law or Statute for the said Wares or Merchandizes. As by the said Royal Charter, (among other Things,) may more fully appear.

AND WHEREAS, *Joannes Dylander, Christian Grassold, Henry Schocklier, Michael Jansen Halling, Daniel Steinmetz, Johannes Smith, David Deshler, Hans George Passage, David Seesholtz, Stephen Greiff, Hans George Hickner, Sebastian Murry, Rudolph Bonner, Balthazar Resser* junior, *Johannes Zacharias, Charles Bentzel* junior, *Daniel Mackned* junior, *Justus Reche-Camp, Charles Reebe-Camp, Jacob Gallete, Anthony Hinkel, Peter Righter, William Rerigh, Henry Shoub, Christopher Rhoab, Caspar Singer, Ludovick Knaus, William Hauke, Leonhard Cristler, Johannes Willhelm, Ludovick Cirkel, Ludovick Hinnige, George Creesman, Friedrick Gotshall, Andreas Trombouer, Jacob Trombouer, Hartman Dettermer, Philip Enghert, Leonhard Hartlein, Michael Klein, Joseph Cub, Henry Heinig, Johan Dieterick Bouman, Johan Kleim, Friederick Marstaller, Matthias Koplin, Johannes Bender, Henry Deeringer, Adam Moser, Peter Jarger, Samuel Goolain, Hans George Jarger, Jacob Frey, Christopher Witman, Andreas Geisberts Andreas Jager, Jacob Aister, Andreas Kepler, Benedictus Muntz, Johan Eigster, Michael Herger, Philip Haan, Conrad Dotterer, Bernhard Dotterer, Herman Fischer, Friederick Hillengas, Philip Labar, Michael Knappenberger, Michael Dotterer, George Hubner, Conrad Kolb, George Philip Dotterer, Johan Miller, Jacob Frech, Henry Smith, Leonhard Smith, Rowland Smith, Michael Kraus, Daniel Kreestman, Abraham Beyer, Michael Good, George Good, Henry Sneyder, Adam Reed, Christopher Ottinger, Anthony Jager, Nicholas Jager, Johann Henry Weeber, Johan Jacob Roth, Johannes Geldbagh,* and *Christian Gondy*, Inhabitants of the City and County of *Philadelphia*; *Henry Bernhard, Michel Neace,* and *Adam Scheffer*, Inhabitants of the County of *Bucks*; *Michael Albert, William Albert, Leonhard Bender, George Miller, John Bussung; Nicholas Candle, John Hagey, Charles Keller, Stephen Remsberger, Ludovick Dettenburn, Jacob Bare* junior, *John Leiberger, Michael Becker, John Peter Coober, Christian Lawer, John Libough, Bartholomew Shaver, Caspar Stump, Jacob Becker, Tobias Pickle, Peter Rutt, George Kleine, Paul Tittenhoffer, Matthias Tise, George Ludovick Horst, Sebastian Graff, Johan Henry Basseler, Matthias Jung, Jacob Schloug, Henry Michael Immel, Felix Miller, Martin Weybrecht, Friederick Eigelberger, Sebastian Fink, Hans Adam Schreiner, Christian Long, Caspar Tillen, Anthony Bretter, Leonhard Ellmaker, Andreas Berstinger, Hans Graff, Jacob Hartman, Theophilus Hartman, Theophilus Hartman* junior, *Benjamin Witmer, Adam Witmer, Johannes Pinkly, Turst Buckwalter, Henry Neaf* junior, *Valentine Hergelrat, Henry Basseler, Johan Stetler, Leonhard Romler, Leonhard Heyer, Peter Schell, Johan Nohaker, Nicolas Miller, Johan Hock, Thomas Kopenheffer, Michael Kopenheffer, Christian Leman, George Unrook, Jacob Shaffer, Valentine Keeffer, Jacob Etshberger, Herman Walburn, Caspar Reed, Christian Manusmith, Nicholas Kutts, George Weyrick, Christopher Ley, Jacob Lower, Hans Moor, Johannes Blum, George Steitz, Erasmus Buckenmeyer,* and *George Graff*, Inhabitants of the County of *Lancaster*; being

being of the Proteſtant or Reformed Religion, and Subjects of the Emperor of *Germany*, and other Princes now in Amity with the King of *Great Britain*, having tranſported themſelves with their Families and Effects into this Province, and being deſirous to be made Partakers of the Immunities, belonging to the natural-born Subjects of this Province; and to be more effectually ſecured of thoſe Privileges and Advantages granted by his ſaid late Majeſty King *Charles the Second*, to Perſons Coming into this Province to ſettle and inhabit, they having (as a Teſtimony of their Fidelity and Affection to his preſent Majeſty King GEORGE *the Second* and the Crown of *Great Britain*) taken the Qualifications to his Majeſty and Government by Law appointed and enjoined to be taken, obtained Leave to bring in this Bill to the preſent Aſſembly.

THEREFORE may it pleaſe the Governor that it may be enacted; AND BE IT ENACTED by GEORGE THOMAS Eſqr; Lieutenant Governor with the King's Royal Approbation under the Honourable JOHN PENN, THOMAS PENN, and RICHARD PENN, Eſqrs; true and abſolute Proprietaries and Governors of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That they the ſaid *Joannes Dylander*, *Chriſtian Graſſold*, *Henry Shoklier*, *Michael Janſen Halling*, *Daniel Stemmetz*, *Johannes Smith*, *David Deſhler*, *Hans George Paſſage*, *David Scesholtz*, *Stephen Greiff*, *Hans George Hickner*, *Sebaſtian Mirry*, *Rudolph Bonner*, *Balthazar Keſſer* junior, *Johannes Zacharias*, *Charles Benzel* junior, *Daniel Macknet* junior, *Juſtus Reebe-Camp*, *Charles Reebe-Camp*, *Jacob Gallete*, *Anthony Hinkel*, *Peter Righter*, *William Rerigh*, *Henry Shoub*, *Chriſtopher Rhoab*, *Caſpar Singer*, *Ludovick Knaus*, *William Hauke*, *Leonhard Criſtler*, *Johannes Willhelm*, *Ludovick Cirkel*, *Ludovick Hinnige*, *George Creesman*, *Friederick Goſkall*, *Andreas Trombouer*, *Jacob Trombouer*, *Hartmann Dettermer*, *Philip Enghert*, *Leonhard Hartlein*, *Michal Klein Joſeph Cub*, *Henry Deenig*, *Johan Dicterick Bauman*, *Johan Kleim*, *Friederick Marſtaller*, *Matthias Koplin*, *Johannes Bender*, *Henry Deeringer*, *Adam Moſer*, *Peter Jarger*, *Samuel Gooldin* *Hans George Jarger*, *Jacob Frey*, *Chriſtopher Witman*, *Anoreas Geiſberts*, *Andreas Jager*, *Jacob Aiſter*, *Andreas Kepler*, *Benedictus Muntz*, *Johan Eigſter*, *Michael Herger*, *Philip Haan*, *Conrad Dotterer*, *Bernhard Dotterer*, *Herman Fiſcher*, *Fricdrick Hillengas*, *Philip Labar*, *Michael Knappenberger*, *Michael Dotterer*, *George Hubner*, *Conrad Kolb*, *George Philip Dotterer*, *Johan Miller*, *Jacob Frech*, *Henry Smith*, *Leonhart Smith*, *Rowland Smith*, *Michael Kraus*, *Daniel Kreſtman*, *Abraham Beyer*, *Michael Good*, *George Good*, *Henry Sneyder*, *Adam Reed*, *Chriſtopher Ottinger*, *Anthony Jager*, *Nicolas Jager*, *Johan Henry Weeber*, *Johan Jacob Roth*, *Johannes Geldbagh*, *Chriſtian Gondy*, *Henry Bernhard*, *Mickel Neace*, *Adam Scheffer*, *Michael Albert*, *William Albert*, *Leonhard Bender*, *George Miller*, *John Buſtung*, *Nicholas Canale*, *John Hagey*, *Charles Keller*, *Stephen Remsberger*, *Luaovick Dettenburn*, *Jacob Bare* junior, *John Leiberger*, *Michael Becker*, *John Peter Coober*, *Chriſtian Lawer*, *John Libough*, *Bartholomew Shaver*, *Caſper Stump*, *Jacob Becker*, *Tobias Pickle*, *Peter Rutt*, *George Klein*, *Paul Tittenhoffer*, *Matthias Tite*, *George Ludovick Horſt*, *Sebaſtian Graff*, *Johan Henry Baſſeler*, *Matthias Jung*, *Jacob Schloug*, *Henry Michael Immel*, *Felix Miller* *Martin Weybrecht*, *Friederick Eighelberger*, *Sebaſtian Fink*, *Hans Adam Schreiner*, *Chriſtian Long*, *Caſpar Tiller*, *Anthony Bretter*, *Leonhard Ellmaker*, *Andreas Berſinger*, *Hans Graff*, *Jacob Hartman*, *Theophilus Hartman*, *Theophilus Hartman* junior, *Benjamin Witmer*, *Adam Witmer*, *Johannes Pinkly*, *Turſt Buckwalter*, *Henry Neaf* junior, *Valentine Hergelrat*, *Henry Baſſeler*, *Johan Stotler*, *Leonhard Romler*, *Leonhard Heyer*, *Peter Schell*, *Johan Nohaker*, *Nicolas Miller*, *Johan Hock*, *Thomas Kopenheffer*, *Michael Kopenheffer*, *Chriſtian Leman*, *George Unrook*, *Jacob Scheffer*, *Valentine Keeffer*, *Jacob Etlhberger*, *Herman Walburn*, *Caſpar Reed*, *Chriſtian Mannſmith*, *Nicholas Kutts*, *George Weyrick*, *Chriſtopher Ley*, *Jacob Lower*, *Hans Moer*, *Johannes Blum*, *George Steitz*, *Eraſmus Buckenmeyer* and *George Graff*; and every of them, are hereby declared, and ſhall at all Times hereafter be eſteemed and taken, to all Intents and Purpoſes, to be and to have been, ſince their firſt Arrival into this Province, free and fully able, and capable to trade, traffick, load, freight, and tranſport all and all Manner of Goods, Wares and Merchandizes, not by Law prohibited to be imported or exported, as if they and every of them had been the natural Liege People and Subjects of the King of *Great Britain*, born in this Province of *Pennſylvania*; and alſo that they and each of them ſhall and are hereby enabled, and adjudged able to all Intents, Conſtructions and Purpoſes whatſoever, as well to demand, take, have and enjoy any Privileges and Immunities belonging to his Majeſty's Liege People and natural Subjects of this Province, as alſo to have and enjoy all Lands and Tenements, and all other Hereditaments, by Way of Purchaſe or Gift, of any Perſon or Perſons whatſoever; and alſo to proſecute, purſue, maintain, avow and juſtify all and all Manner of Actions, Suits and Cauſes, and all other Things to do, as lawfully, freely and fully, as if they and every of them had been and were born Natural Subjects in this Province, or as any other Perſon or Perſons born within this Province may lawfully in anywiſe do, any Law, Cuſtom or Uſage to the contrary thereof in any wiſe notwithſtanding.

CONFIRMED *by the King in Council* May 12th. 1740.

Paſſed *May 19th*, 1739. Recorded A, Vol. 3. p. 72.

CCCXXXVI. *A Supplement to the* ACT *for Electing Members of Aſſembly*, &c. Amended and ſupplied by 19. Geo. II. Vol. 2. p. 25.

CONFIRMED *by the King in Council*, May 12th. 1740.

Paſſed *May 19th.* 1739. Recorded A, Vol. 3. p. 76.

CCCXXXVII. A *Supplement to an Act of Assembly of this Province, entituled* An ACT prescribing the Forms of Declarations of Fidelity, Abjuration and Affirmation instead of the Forms heretofore required in such Cases. *Repealed by the King in Council* May 12th. 1740.

Passed *May* 19*th.* 1739 Recorded A, Vol. 3. p. 81.

CCCXXXVIII. *An* ACT *for the more easy and speedy Recovery of small Debts.* Expired and Supplied.

CONFIRMED *by the King in Council*, May 12*th.* 1740

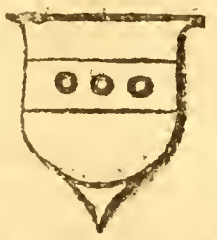
Passed *May* 19*th.* 1739. Recorded A, Vol. 3. p. 84.

CCCXXXIX. *An* ACT *for Reprinting, Exchanging and Re-emitting all the Bills of Credit of this Province, and for striking the further Sum of Eleven Thousand One Hundred and Ten Pounds Five Shillings, to be emitted upon Loan,*

WHEREAS, thro' the Scarcity of Silver and Gold in this Province, occasioned by remitting the same to *Great Britain*, to pay for the Product and Manufactories of that Kingdom imported hither for the Use of the Inhabitants, sundry Sums of Money in Bills of Credit were formerly emitted, which by Experience, have been found to be very useful for carrying on the Trade and Commerce of this Province. AND WHEREAS in Pursuance of the Direction of former Acts of Assembly, by which the said Bills of Credit were emitted, a great Part of the same have been sunk and destroyed, so that there is not current in the Province at this Time more than the Value of 68,889*l.* 15*s.* in the said Bills of Credit, which, since the great Increase of the Inhabitants as well as the Trade of the Province, is found to fall short of a proper Medium for negotiating our Commerce and supporting the Government. AND WHEREAS it appears, that great Quantities of counterfeit Bills in the Likeness and Imitation of genuine Bills of Credit of this Province, have been imported among us; which has rendred it necessary to call in all our Bills of Credit, and to emit others of the same Value, but of a different Impression from the former. Preamble.

TO THE END THEREFORE, That the Wants of those concerned in Trade may be supplied, and the Government supported, and to prevent the Peoples being imposed upon by the said Counterfeit Bills, made in Imitation of the present Bills of Credit of this Province; BE IT ENACTED by the Honourable *GEORGE THOMAS*, Esq; with the King's Royal Approbation, Lieutenant Governor of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent* and *Sussex* on *Delaware*; under the Honourable JOHN PENN, THOMAS PENN, and RICHARD PENN, Esqrs; true and absolute Proprietaries of the said Province and Counties, by and with Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That indented Bills of Credit of the Value of *Eighty Thousand Pounds* of lawful Money of *America* (according to an Act of Parliament, made in the Sixth Year of the late Queen *Anne*, *for ascertaining the Rates of foreign Coins in the Plantations in* America) shall before the Tenth Day of *August*, next after the Passing of this Act, be prepared and printed on good strong Paper, under the Care and Direction of *John Kinsey*, *Jonathan Robeson*, *Joseph Kirkbride*, *Caleb Cowpland* and *John Wright*, the Trustees of the General Loan-Office of the Province of *Pennsylvania*, and at the Charge of the Publick to be defrayed out of the Interest Money arising or to arise upon the Loan of any Bills of Credit formerly emitted or to be emitted, by any Trustees of the said General Loan-Office; which Bills shall be made and prepared in Manner and Form following, and no other, *viz.* 80,000*l.* in Bills to be printed.

THIS *Indented Bill* | *S.* of X X | *shall pass current for* *Shillings* *within the Province of* Pennsylvania, *according to an Act of Assembly of the said Province, made in the Twelfth Year of the Reign of King* GEORGE the Second. *Dated the* 10*th. Day of* August, 1739.



Form of the Bills.

AND the same Bills shall have such like Escutcheon as in the Margent hereof, with such other Devices on the said Bills as the said Trustees shall think fit, as well to prevent Counterfeits as to distinguish their several Denominations; each of which Bills shall be of the several and respective Denominations following, and no other, *viz.*

TEN Thousand of the same Bills, the Sum of *One Shilling* in each of them.

TEN Thousand of the same Bills, the Sum of *One Shilling and Six-pence* in each of them.

TEN Thousand of the same Bills, the Sum of *Two Shillings* in each of them.

TEN Thousand of the same Bills, the Sum of *Two Shillings and Six pence* in each of them.

THIRTY Thousand of the same Bills, the Sum of *Five Shillings* in each of them.

FORTY Thousand of the same Bills, the Sum of *Ten Shillings* in each of them.

TWENTY Thousand of the same Bills, the Sum of *Fifteen Shillings* in each of them: And

THIRTY-FOUR Thousand of the same Bills, the Sum of *Twenty Shillings* in each of them.

Number of Bills of each Sort.

AND the said Trustees shall use the best of their Care, Attention and Diligence, during the Printing of the said Bills, that the Number and Amount thereof, according to their respective Denominations

aforeſaid, be not exceeded, nor any clandeſtine or fraudulent Practice uſed by the Printer his Servants or Perſons concerned therein.

AND for the perfecting the ſaid Bills, to make them Current within this Province, according to the true Intent and Meaning of this Act; BE IT FURTHER ENACTED, by the Authority aforeſaid, That all and every of the ſaid Bills ſhall be ſigned by the Perſons following, or by Three of them at leaſt, that is to ſay, *Thomas Leech* and *William Monington*, of *Philadelphia* County, *Abraham Chapman* of *Bucks* County, *Joſeph Harvey* of *Cheſter* County, and *Samuel Smith* of *Lancaſter* County, who are hereby nominated and appointed to be the Signers of the ſaid Bills; and ſhall before they preſume to receive or ſign any of the ſaid Bills of Credit, take an Oath or Affirmation to the following Effect, *to wit*,

Signers Names

THAT they ſhall well and truly ſign and number all the Bills of Credit that ſhall come to their Hands for that Purpoſe, by the Direction of this Act, and the ſame ſo ſigned and numbered will deliver or cauſe to be delivered unto the Truſtees of the General Loan-Office of the Province of Pennſylvania, *purſuant to the Direction of this Act.*

Signers Qualification.

AND for avoiding the Danger of Embezzlement or Miſapplication of any of the ſaid Bills of Credit: IT IS HEREBY FURTHER ORDAINED AND PROVIDED, That the ſaid Truſtees, after the ſaid Bills are printed, ſhall deliver them to the ſaid Signers, to be ſigned and numbered by Parcels, for which the ſaid Signers or ſome of them ſhall give their Receipt, *that is to ſay, One Thouſand Pounds* value in the ſaid Bills at one Time, and ſo from time to time, till all the ſaid Bills of Credit ſhall be ſigned and numbered, yet ſo as that the ſaid Truſtees ſhall not deliver any other of the ſaid Bills to the Signers aforeſaid, whilſt the Sum in their Cuſtody unexchanged exceeds *One Thouſand Pounds*; of all which Bills of Credit ſo delivered to be ſigned by the Truſtees, true Accounts ſhall be kept by the Signers, who upon their Re-delivery of each or any Parcel of the ſaid Bills of Credit by them ſigned and numbred to the Truſtees of the General Loan-Office, ſhall take the Receipt of the ſaid Truſtees to charge them before any Committee of Aſſembly to be appointed for that Purpoſe.

Not more than 1000*l.* to be delivered for ſigning at one time.

AND the ſaid Signers ſhall have *Fifteen Shillings* apiece for every Thouſand of the aforeſaid Bills by them ſigned and numbered, within Ten Days after the Re-delivery thereof to the ſaid Truſtees, to be by them paid out of the Intereſt-Money in the ſaid Truſtees Hands.

Signers Reward.

AND if any of the Perſons before nominated to be Signers, ſhall happen to die or be rendred uncapable of doing his or their Duty by this Act required, the Aſſembly for the time being ſhall appoint ſome other Perſon or Perſons in his or their Stead from time to time, until all the Bills hereby directed to be made, be wholly ſigned and numbered as aforeſaid.

Signer dying &c the Aſſembly to appoint another.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Truſtees, after the Receipt of any Parcel of the ſaid new Bills, ſigned and numbred as aforeſaid, or ſome fit Perſon for whom they ſhall be accountable, ſhall give due Attendance at their Office, on every Fourth Day of the Week, and ſhall deliver out the ſame unto ſuch Perſons as ſhall demand them in Exchange for Bills of the ſame Value made and emitted by the Direction of any former Act of Aſſembly of this Province; which ſaid old Bills ſhall be kept by the ſaid Truſtees for their Vouchers, to diſcharge them of ſo much of the aforeſaid *Eighty Thouſand Pounds* Value in new Bills as they ſhall have given in Exchange as aforeſaid, before any Committee of Aſſembly to be appointed for that Purpoſe, who having duly examined ſuch old Bills ſo received in Exchange, ſhall cauſe the ſame to be burnt and deſtroyed in their Preſence; and the ſaid Truſtees ſhall have for their Trouble and Care, in exchanging every 10,000*l.* Value of the ſaid old Bills, the Sum of 27*l.* 10*s.* to be defrayed out of the Intereſt Money aforeſaid.

Truſtees to give Attendance for exchanging the old Bills.

Truſtees Reward for exchanging.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all the aforeſaid Bills of Credit made and emitted by any former Act of Aſſembly of this Province, ſhall, from and after the *Tenth* Day of *Auguſt*, *One Thouſand Seven Hundred and Forty*, ceaſe to be current Bills of this Province, and from thenceforth become null and void, and of no Effect, any Law, Cuſtom or Uſage to the contrary thereof in any wiſe notwithſtanding.

Limitation of the Currency of the old Bills.

AND the ſaid new Bills hereby directed to be made and ſigned as aforeſaid, to be emitted in Exchange or Loans, as this Act directs, ſhall from and after the *Tenth* Day of *Auguſt*, *One Thouſand Seven Hundred and Thirty Nine*, be the current Bills of this Province, for the Payment and Diſcharge of all Manner of Debts, Rents, Sum and Sums of Money whatſoever, due, payable or accruing upon or by Reaſon of any Mortgage, Bill, Specialty, Bond, Note, Book-Account, Promiſe, or any other Contract or Cauſe whatſoever, as if the ſame were tendred or paid in the Coins mentioned in ſuch Bond, or other Writing, Book-Account, Promiſe, Aſſumption, or in any other Contract whatſoever, and at the Rates aſcertained in the ſaid Act of Parliament, and ſhall be ſo received in all Payments by all Perſons whatſoever.

New Bills when to become current

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Truſtees ſhall be in and have Capacity and Power to take, hold and enjoy to them and their Succeſſors in the ſaid Truſt, all ſuch Lands, Tenements, Rents and Hereditaments, and all ſuch Plate as ſhall be granted them in Mortgage, or which hath at any Time heretofore been granted to any Truſtee or Truſtees of the General Loan-Office of *Pennſylvania*, for ſecuring the Repayment of the Money or Bills, formerly lent, or hereby directed to be lent; and alſo to ſell, grant, alien, and diſpoſe of the ſame Lands, Tenements, Rents, Hereditaments and Plate in Default of Payment, and alſo to do, execute, perform and ſuffer all other Things whatſoever, as fully to all Intents and Purpoſes as any Truſtees of the General Loan-Office aforeſaid, by any former Act of Aſſembly of this Province may or might have done, executed, performed and ſuffered: And upon the Death or Removal of any of the preſent Truſtees, or of any other that ſhall be nominated and appointed hereafter, it ſhall and may be lawful to and for the General Aſſembly of this Province

Power of the Truſtees, &c.

Any Truſtee dying, the Aſſembly to appoint a new one.

vince for the Time being, to appoint ſome other fit Perſon or Perſons in his or their Place and Stead, who ſhall have the ſame Power and Authority as if they had been nominated and appointed by Virtue of this Act.

Truſtees to continue in that Office but 4 Years. &c.

PROVIDED ALWAYS, AND IT IS HEREBY FARTHER ENACTED, That none of the Perſons herein before nominated or hereafter to be appointed Truſtees of the General Loan Office aforeſaid, ſhall longer continue in the Exerciſe of the ſaid Office than the Space of *Four* Years from the Time of ſuch their Nomination as aforeſaid, and from thence to the End of the then next Seſſion of Aſſembly.

But not to be diſcharged till they have accounted, &c.

PROVIDED ALSO, That none of the Truſtees ſo as aforeſaid nominated or to be nominated and appointed according to the Direction of this Act, or any of them, or any of their Heirs, Executors or Adminiſtrators, or Securities hereby directed to be given, be acquitted or diſcharged, for any Thing done or ſuffered in or about the Truſt hereby committed to them, until they have accounted for and paid and delivered up to the ſucceeding Truſtees all Bills, Monies, Securities and Writings belonging to the Loan-Office, and ſo from time to time during the Continuance of this Act, any thing herein contained to the contrary notwithſtanding: But before any of the preſent Truſtees, or ſuch as ſhall hereafter be appointed Truſtees, ſhall enter upon the Execution of their Truſt, or any Part thereof, they ſhall each of them enter into Bond to the Treaſurer of this Province, in the Sum of *Three Thouſand Pounds*, conditioned for the Execution of the Truſt and Performance of all Things required of them by this Act. and ſhall take an Oath or Affirmation, before ſome Juſtice of the Peace, in the Words following, *viz.*

Truſtees to give Bond to the Treaſurer.

I A. B, *will according to the beſt of my Skill and Knowledge, faithfully, impartially and truly demean myſelf, in the Diſcharge of the Truſt required of me by an Act of Aſſembly of this Province, intituled,* An Act for Reprinting, Exchanging and Re-emitting all the Bills of Credit of this Province, and for ſtriking the further Sum of *Eleven Thouſand One Hundred and Ten Pounds and Five Shillings*, to be emitted upon Loan, *ſo as none may be prejudiced by my Conſent, Privity or Procurement.*

Truſtees Qualification.

AND BE IT FURTHER ENACTED by the Authority aforeſaid. That the ſaid Truſtees ſhall lend out the Value of *Eleven Thouſand One Hundred and Ten Pounds Five Shillings*, in the Bills hereby directed to be made, for and during the Space, and unto the full End and Term of *Sixteen* Years, from the 15th Day of *October*, in the Year of our Lord *One Thouſand Seven Hundred Thirty-nine*: All which Loans made by Virtue of this Act, ſhall be made in Sums not exceeding *One Hundred Pounds*, nor leſs than *Twelve Pounds*, to any one Perſon, upon Mortgages of Meſſuages, Lands, Tenements, Rents and Hereditaments in this Province, whereof the Borrowers ſtand ſeized in Fee-ſimple in their own Right, free from Incumbrances, the Proprietary Quit-Rents, and other Rents charged on the ſame, and diſcovered to the ſaid Truſtees, only excepted; of which Titles and Clearneſs, the Truſtees are to inform themſelves the beſt they can, by any of the Ways and Means heretofore granted and allowed to the former Truſtees of the ſaid General Loan-Office, or to any of them, and ſhall inform themſelves, as well of the clear value of the Titles of all Lands, Houſes and Ground-Rents offered in Security, ſo as to be ſatisfied that the Lands and Ground-Rents are held in Fee-ſimple, and are at leaſt of double the Value of the Sums requeſted to be lent; and that as to the Houſes erected upon Ground ſubject to the Payment of Ground-Rent, offered in Mortgage, Care ſhall be taken by the ſaid Truſtees, that there be no Rent or Quitrent in Arrear at the Time of receiving the ſame in Mortgage, and that the Ground ſhall be near equal in Value, above the Ground-Rent, to the Sum lent, yet ſo that the Houſe and Ground, be of double Value, for the better Security of the Mortgage-Money. And thereupon the ſaid Truſtees, in purſuance of the Truſt hereby commited to them, ſhall in the Name and Stile of the Truſtees of the General Loan-Office of the Province of *Pennſylvania*, and not otherwiſe, take and receive Deeds of Mortgage in Fee-ſimple of ſuch Meſſuages, Lands, Tenements, Rents and Hereditaments, with the Appurtenances, to ſecure the Re-payment of the Sums they lend, to be made yearly on the 15th Day of *October*, by equal Payments, with the whole Intereſt accrued, at the Rate of *Five Pounds per Cent. per Annum.*

11,1101 5s. to be ſet out for 16 Years, upon Mortgages of Meſſuages &c.

Former Mortgagors may renew their Mortgages, &c.

PROVIDED ALWAYS, AND IT IS HEREBY FURTHER ENACTED, That the better to enable any of the Mortgagors, by any former Act of Aſſembly, to diſcharge their Mortgages, it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby required, to permit thoſe Mortgagors, or their Heirs, or ſuch other Perſon or Perſons to whom they have made over their Right of Redemption and Eſtate in their mortgaged Meſſuages, Lands and Rents, to renew their Mortgages reſpectively, if they the ſaid Truſtees ſhall judge them a ſufficient Security for the Sums thereon due and in Arrear, altho' the ſame exceed the Sum aforeſaid limited to one Perſon, to be repaid according to the Proportions and within the Times by this preſent Act limited and appointed.

PROVIDED ALSO, That if any Mortgagor of any Meſſuages, Lands and Rents by this Act directed, his Heirs, Executors or Aſſigns, ſhall be minded to pay off and diſcharge his Mortgage and Security at any other Time than according to the Time ſpecified in his Mortgage-Deed, it ſhall be lawful for him or them ſo to do before Sale of the mortgaged Premiſſes, by paying down the whole principal Sum due and in arrear, together with the Intereſt and Charges then accrued.

Principal Sums &c. not to be ſunk, otherwiſe than by this Act directed. But ſhall be re-emitted, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the principal Sums and all and ſingular the Parts, Parcels or Quotas thereof, or any of them, payable to the Truſtees of the ſaid General Loan-Office, by the Provincial Treaſurer or any of the County Treaſurers, or by the Mayor or Treaſurer of the City of *Philadelphia*, or by any Mortgagor or Perſon whatſoever; as alſo the Quotas of the Sums appropriated for Building the State-Houſe, ſhall not be ſunk or deſtroyed, otherwiſe, or at any other Time than by this preſent Act is directed limited and appointed, any Law, Cuſtom or Uſage to the contrary notwithſtanding: But the ſame principal Sums and all other yearly Payments of principal Sums &c.

Sums herein-before directed to be emitted on Loans as this Act directs, now in the Hands of the ſaid Truſtees, or hereafter to be recovered or received by them, before the *Fifteenth* Day of *October, One Thouſand Seven Hundred Forty-Nine,* ſhall be from Time to Time re-emitted on Securities as herein before directed, for the Reſidue of the aforeſaid Term of *Sixteen* Years. And alſo, ſo often as any Mortgage-Monies, directed to be re-emitted as aforeſaid, ſhall be recovered or received before the aforeſaid *Fifteenth* Day of *October, One Thouſand Seven Hundred Forty-Nine,* the principal Monies thence ariſing, ſhall in like Manner, from time to time, be re-emitted again on Securities as aforeſaid. And the ſaid Truſtees or ſome three of them, ſhall weekly attend at their Office on the *Third* and *Fourth* Days in every Week (commonly called *Tueſdays* and *Wedneſdays*) until the aforeſaid Sum of *Eleven Thouſand One Hundred and Ten Pounds, Five Shillings,* ſhall be wholly emitted, as this Act directs: And afterwards, on the *Third* Day of the *Second* Week in the Months commonly called *April, June, Auguſt, October, December,* and *February,* in every Year of the Continuance of this Act, and at ſuch other Times as their Duty and Truſt ſhall require; Which Deeds of Mortgage ſhall be fairly entred in Books of large Paper, to be provided by the ſaid Truſtees, an arreſted Copy of which Deeds, ſo entered and certified by the ſaid Truſtees or any three of them for the Time being, ſhall be and is hereby declared to be good Evidence, to prove the Mortgage thereby mentioned to be made; And on every of the aforeſaid Deeds of Mortgage ſhall be indorſed or added an Oath or Affirmation, to be taken by the Mortgagor or Mortgagors, before ſome or one of the ſaid Truſtees, who are hereby impowered and required to adminiſter the ſame, *That he, ſhe or they is or are ſeized of the Hereditaments and Premiſes thereby granted, in his, her or their own Right, and to his, her or their own Uſe, and that free from all Arrearages of the Proprietors Quit-Rent and all Incumbrances to the Knowledge of ſuch Mortgagor* (*the yearly Quit-Rents thenceforth iſſuing, payable to the Chief Lord or Lords of the Fee thereof, and ſuch other Rents, if any, as are therein particularly mentioned and diſcovered to the Truſtees, only excepted*;) and the aforeſaid Deeds being ſo executed and acknowledged, ſhall tranſfer the Poſſeſſion and veſt the Inheritance of and in ſuch Mortgaged Premiſſes, to and in the ſaid Truſtees and their Succeſſors, as fully and effectually as Deeds of Feoffment, with Livery and Seizin, or Deeds inrolled in any of the King's Courts of *Weſtminſter* may or can do,

Oath or Affirmation to be taken by the Mortgagors.

IN all which Deeds, the Words, Grant, Bargain and Sell, ſhall be, and be adjudged in all Places and Courts whatſoever within this Province, to have the Force and Effect of a Covenant, that the Mortgagor, notwithſtanding any Act done by him, was at the Time of the Execution of ſuch Deed, ſeized of the Hereditaments and Premiſes thereby granted, of an indefeaſible Eſtate of Inheritance, free from Incumbrances, (the Rents ſo as aforeſaid to be diſcovered to the ſaid Truſtees only excepted.)

Mortgagors to execute a Bond and Warrant of Attorney, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That together with every of the aforeſaid Mortgage-Deeds, the reſpective Mortgagor ſhall execute a Bond of double the Mortgage-Money, conditioned for the Payment of the Money borrowed with the Intereſt, according to the Proviſo or Condition contained in each ſuch Mortgage-Deed, and alſo a Warrant of Attorney, impowering ſuch Perſon or Perſons as the Truſtees ſhall appoint, to confeſs or ſuffer Judgment, which the ſaid Truſtees are hereby required to cauſe their Attorney to enter in any of the Courts of Common-Pleas of this Province, againſt ſuch Mortgagor as ſhall make Default in Payment of the Mortgage-Monies, or any Part thereof, on the ſaid Bonds or Mortgages, for Non-Performance of the Conditions thereof, or in ſuch Actions of Debt as the ſaid Truſtees are required to bring for the Value of the ſaid Bills of Credit received by the Mortgagors, whoſe Titles ſhall happen to prove defective, together with the Intereſt and Coſts of Suit; in every which Warrants of Attorney ſhall be inſerted a Releaſe of Errors by the Mortgagor.

PROVIDED ALWAYS, NEVERTHELESS, That until ſome Default be made in Payment of ſome Part of the Mortgage Monies by the Mortgagors reſpectively: it ſhall and may be lawful to and for them and their Heirs, to hold and enjoy the mortgaged Premiſſes, any Thing in this Act, or in their Mortgage-Deeds, to the contrary notwithſtanding; but if Default ſhall be made or ſuffered in Payment of any Part of the Mortgage-Monies aforeſaid, whether of the Principal or Intereſt, which the Mortgagors, their Heirs, Executors, Adminiſtrators or Aſſigns ſhould or ought to pay, according to the Days of Payment, aforeſaid, and as in their reſpective Deeds of Mortgage ſhall be ſpecified, it ſhall and may be lawful to and for the ſaid Truſtees for the Time being, at any Time after two Months next after Default made as aforeſaid, to enter upon the Meſſuages, Lands, Rents, and Hereditaments, reſpectively in the Deeds of Mortgage ſpecified, and the ſame thereupon to ſell and convey to the beſt Purchaſer, and out of the Monies ariſing by ſuch Sale, to detain and keep the Sums thereon due unto them, with all Coſts and Charges relating thereunto, returning the Overplus, if any, to the Owners of ſuch Lands and Hereditaments, who ſhall thereupon ſtand foreclоſed of and from all Right of Redemption of the ſame.

Two Months after Default in Payment Truſtees may ſell the mortgaged Premiſſes

PROVIDED ALWAYS, AND IT IS HEREBY FURTHER ENACTED, That it ſhall and may be lawful to and for the ſaid Truſtees or any three of them, at any Time or Times before the aforeſaid *Fifteenth* Day of *October, One Thouſand Seven Hundred Forty-Nine,* to lend out in ſuch Manner as to them ſhall ſeem beſt, any Sums in the Bills aforeſaid, not exceeding *One Hundred Pounds* nor leſs than *Twelve Pounds* to one Perſon, on Securities of good Plate at the Value of *Six Shillings per Ounce,* to be repaid to the ſaid Truſtees within *Twelve* Months, with the Intereſt thereof at the Rate aforeſaid: AND in Caſe of the Non-Payment to ſell and diſpoſe of ſuch Plate for the moſt it will yield, returning the Overplus, if any be, to the Owner, after Payment of the Sum lent, with the Intereſt aforeſaid, and all Charges thereupon accrued.

Good Plate may be taken in Security by the Truſtees.

PROVIDED ALWAYS, That where any Part of the Mortgage Monies hath been paid, the Truſtees ſhall indorſe upon the Writ of Execution the real Sum of Principal and Intereſt due to the ſaid Loan-Office, and the Sheriff ſhall thereupon proceed as in other Caſes of Sale of Lands, to ſell ſo much of the mortgaged Premiſſes, as near as he can judge, as will be ſufficient to pay the whole Debt and Coſts; and

if

if any Overplus remain in the Sheriff's Hands after the Payment of the whole Monies due to the ſaid Loan-Office, with the Coſts and Charges accrued thereupon, the ſaid Sheriff ſhall render the ſame to the Debtor or Defendant, his or their Executors or Adminiſtrators, and put the ſaid Purchaſer into peaceable and quiet Poſſeſſion of the Meſſuages, Lands and Tenements ſo ſold as aforeſaid: Who ſhall hold and enjoy the ſame to his Heirs and Aſſigns, as fully and amply as he or they for whoſe Debt the ſame ſhall be ſold, might, cou'd, or ought to have done at any Time before the taking thereof in Execution, freed and diſcharged from all Claim of Dower by any Perſon claiming under the Defendant for whoſe Debt the ſame was ſold.

Truſtees to indorſe their Receipts on the Mortgage Deeds, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Truſtees ſhall indorſe upon each Mortgage-Deeds their Receipts of all the yearly Quotas to be paid by the reſpective Mortgagors, which they ſhall alſo note on the Counterparts to them produced, when required; for which Receipts they ſhall be paid by the Mortgagors *Six Pence* each and no more; and upon the laſt Payment thereof, the ſaid Truſtees ſhall enter in the Margent of the Intollment of the Mortgage-Deed the Time of the Diſcharge thereof, for which they ſhall receive of the Mortgagors *Six Pence* and no more.

And ſhall keep fair Accounts, &c.

AND the ſaid Truſtees ſhall keep diſtinct, fair and true Accounts of all the Sums they receive, by Virtue of this and the before recited Acts, reſpectively, and of what they lend, pay or emit, by Virtue hereof or by Orders of the Aſſembly, whether in Part of Principal or Intereſt Monies, and ſhall have and receive for their Trouble and Service the Sum of *One Hundred and Ten Pounds* a piece *per Annum*, during the Continuance of their Re-emitting on Mortgage, as this Act directs; which will be until the *Fifteenth* Day of *October*, *Anno Domini One Thouſand Seven Hundred Forty-Nine*: and afterwards the Sum of *Eighty Pounds* a piece *per Annum*, during the future Continuance of this Act, which Payments ſhall be made in Bills of Credit of this Province unto each of them his Executors or Adminiſtrators.

Truſtees Salary.

Truſtees to account once a Year with the Committees of Aſſembly, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Truſtees ſhall once in every Year, or oftener, exhibit their Accounts aforeſaid unto the Committees of Aſſembly of this Province appointed for that Purpoſe, with whom they ſhall from time to time ſettle and adjuſt: And all the Intereſt Money by them from time to time received being accounted for, and the Salaries and Charges allowed for, by this Act, being deducted, the Reſidue thereof ſhall be diſpoſed of as the Aſſembly of this Province ſhall direct and appoint; and as for and concerning all yearly Quotas and Payments in the Bills aforeſaid, (Part of the Principal Sums to be emitted or re-emitted upon Loans as this Act directs) which by Virtue hereof, or of any Mortgage or Security heretofore taken or to be taken as aforeſaid, ſhall be recovered or received, and remaining in the Loan-Office, on or after the *Fifteenth* Day of *October*, in the Year of our Lord, *One Thouſand Seven Hundred Forty-Nine*, the Truſtees of the Loan-Office aforeſaid ſhall from time to time as they come to their Hands, exhibit the ſame Bills to the aforeſaid Committees, who having duly examined and compared them, ſhall cauſe the ſame to be burnt and deſtroyed in their Preſence.

Bills to be burnt, &c.

Truſtees to keep the Mortgagors up to their annual Payments.

AND the better to prevent Inconveniencies ariſing from indulging the Mortgagors to be behind in their Payments hereby directed to be made: BE IT FURTHER ENACTED by the Authority aforeſaid, That the Truſtees for the Time being ſhall, and they are hereby required, to keep the Mortgagors, in purſuance of this Act up to their annual Payments, as by the ſame Act is directed and appointed: And the Committees of Aſſembly to be annually appointed to audit the ſaid Truſtees Accounts are hereby directed not to allow of any Quotas in arrear and unpaid which have been due *Twelve* Months at the Time of the Settlement, excepting only ſuch Sums for which the Truſtees have commenced Suit, or otherwiſe have proceeded according to the Direction of this Act, for the Recovery of the Money due.

Truſtees to chuſe a Clerk

His Fees and Duty.

Clerk's Qualification.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That the ſaid Truſtees ſhall, for the better regulating of their ſaid Office, chuſe and employ a fit and able Perſon for their Clerk during their Pleaſure, for whom they ſhall be anſwerable, who ſhall prepare the Deeds of Mortgage, with the Mortgagors Affidavits, Bonds, Warrants of Attorney, and Releaſes of Errors, and ſhall have and receive the following Fees, and no more, viz for every Mortgage-Deed, recording the ſame, the Counterpart or Copy thereof, the Mortgagor's Oath or Affirmation indorſed on the Mortgage-Deed, and the Bond, Warrant of Attorney, and Releaſe of Errors, the Sum of *Twenty Shillings* and no more, to be paid, by the ſaid Truſtees, out of the Intereſt Monies aforeſaid: And the ſaid Clerk ſhall keep true Accounts of the Names of all Perſons applying to borrow on Securities, as this Act directs, and ſhall record their Deeds of Mortgage in the ſame Order of Time as they were executed And ſhall once a Year make out a Liſt of the Names of all Mortgagors, by this Act directed, with the Sums they borrow, and Date of their Mortgage Deeds; and the ſame Liſt ſhall deliver to the Committees of Aſſembly to be appointed Auditors of the ſaid Truſtees Accounts: But before any Perſon, ſo choſen to be Clerk, ſhall enter upon the Execution of his Office, he ſhall take an Oath or Affirmation before ſome Juſtice of the Peace, *That he will truly and faithfully perform the Office and Duty that is directed and required of him by this Act, wherein he will make no undue Preference, unneceſſary Delays or fraudulent Practice.*

Penalty on Counterfeiters, &c.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That if any Perſon or Perſons ſhall preſume to counterfeit any of the ſaid Bills of Credit, made current by this Act, or any Law of this Province, by printing or procuring the ſame to be printed or otherwiſe counterfeited in the Likeneſs of the ſaid genuine Bills of Credit; and alſo, if any Perſon or Perſons ſhall forge the Name or Names of the Signers of the true Bills of Credit, to ſuch Counterfeit Bills, whether the counterfeiting of the ſaid Bills or Names be done within this Province or elſewhere, or ſhall utter ſuch Bills, knowing them to be counterfeited as aforeſaid, and being thereof legally convicted, by Confeſſion, ſtanding mute, or by the Verdict of *Twelve* Men, in any Court of Record within this Province, he, ſhe or they ſhall ſuffer Death without Benefit of the Clergy: And the Diſcoverer or Informer ſhall have, as an Incouragement for his

his Discovery, the Sum of *Fifty Pounds*, out of the Goods and Chattels, Lands and Tenements of the Person convicted, and if no such Goods and Chattels can be found, then the Trustees of the General Loan-Office shall pay to such Informer or Discoverer, his Executors, Administrators or Assigns, the Sum of *Ten Pounds*. And if any Person or Persons, shall counterfeit any of the said Bills of Credit of this Province by altering the Denomination of the said Bills, with Design to increase the Value of such Bills, or shall utter such Bills, knowing them to be counterfeited or altered as aforesaid, and shall thereof be legally convicted, in any Court of Record in this Province, such Person or Persons shall be sentenced to the Pillory, and to have both his or her Ears cut off and nailed to the Pillory, and to be publickly whipt on his or her bare Back, with *Thirty-one* Lashes well laid on: And moreover, every such Offender shall forfeit the Sum of *One Hundred Pounds* lawful Money of *Pennsylvania*, to be levied on his and her Lands and Tenements, Goods and Chattels, the one half to the Use of the Governor, and the other half to the Discoverer: and the Offender shall pay to the Party grieved double the Value of the Damages thereby sustained, together with the Costs and Charges of Prosecution And in Case the Offender hath not sufficient to satisfy the Discoverer for his or her Damages and Charges, and pay the Forfeiture aforesaid, in such Case the Offender shall, by Order of the Court where he or she was convicted, be sold, for any Term not exceeding Seven Years, for Satisfaction: and in such Case the said Trustees shall reward the Discoverer of such insolvent Offender, to the Value of *Five Pounds*. And every such Counterfeit Bill shall be delivered to any of the said Trustees, to be made Use of upon the Tryal of the Person accused or suspected, and afterwards to be burnt or destroyed by the said Trustees, in the Presence of a Committee of Assembly.

AND IT IS HEREBY DECLARED AND ENACTED by the Authority aforesaid, That this Act shall be taken and allowed in all Courts and Places within this Province as a Publick Act, and all Judges, Justices and other Persons concerned, are hereby required to take Notice thereof, as such, without pleading the same especially.

Passed *May* 19*th*, 1739. Recorded A, Vol. 3. p. 89.

CONFIRMED *by the King in Council* May 12th. 1740.

XVI. Geo. II. A. D. 1742.

CCCXL. *An* ACT *imposing a Duty on Persons convicted of heinous Crimes, brought into this Province, and not warranted by the Laws of* Great Britain; *and to prevent poor and impotent Persons being imported into the same.* Repealed by the King in Council. *December* 17*th*. 1746.

Passed *February* 3*d*. 1742-3. Recorded A, Vol. 3. p. 100.

CCCXLI. *An* ACT *for the more easy and speedy Recovery of small Debts.* Expired and supplied by Geo. II. Vol. 2. p. 34. CONFIRMED *by the King in Council* December 17th. 1746.

Passed *February* 3*d*. 1742-3. Recorded A, Vol. 3. p. 108.

CCCXLII. *An* ACT *for continuing and amending the Act of Assembly, entituled,* A Supplement to the Act for electing Members of Assembly, &c. *Supplied by* 19. *Geo.* II. Vol. 2. p. 33. CONFIRMED *by the King in Council,* December 17th. 1746.

Passed *February* 3*d*. 1742-3. Recorded A, Vol. 3. p. 113.

CCCXLIII. *An* ACT *for vesting the* Province-Island, *and the Buildings thereon erected, and to be erected in Trustees, for providing an Hospital for such sick Passengers as shall be imported into this Province; and to prevent the Spreading of infectious Distempers.*

Preamble. WHEREAS by an Act of General Assembly of this Province, made in the Twelfth Year of the Reign of King *William* the Third, entituled, *An Act to prevent sickly Vessels coming into this Government*, it is among other Things enacted, That from and after the Publication thereof, no unhealthy or sickly Vessels, coming from any unhealthy or sickly Place whatsoever, shall come nearer than one Mile to any of the Towns or Ports of this Province or Territories, without Bills of Health, nor shall presume to bring to Anote such Vessels, nor to land such Passengers, or their Goods, at any the said Ports or Places, without first obtaining Licence for the same, in such Manner as by the said Act is directed. But no Place, until of late, having been provided for the Reception of sick and distemper'd Passengers, they have been heretofore clandestinely landed and lodged within the City of *Philadelphia* and elsewhere by Means whereof infectious Distempers have spread within the Province, and the good Ends intended by the said Act in great Measure frustrated: For Remedying whereof and making Provision for the Reception of sick Passengers imported into this Province, by Directions from the Representatives of the Freemen of the Province, a Purchase was made of all that Island situate on the Southerly Side of the Mouth of *Schuylkill* River, in the County of *Philadelphia*, adjoining on *Delaware* River, heretofore known by the Name of *Fisher's* Island, but hereafter to be called PROVINCE-ISLAND, containing about *Three Hundred and Forty two* Acres of Land and Meadow, with certain Buildings thereon erected, and a Conveyance thereof taken from *Jonathan Paschal* and *Mary* his Wife, late *Mary Fisher*, *John Paschal* and *Henry Hodge*, Executors of the Testament and last Will of *John Fisher*, late Proprietor and Owner of the said Island (who were duly authorised to make Sale thereof) unto *Joseph Harvey*, *Thomas Tatnal*, *Joseph Trotter*, *James Morris*, and

Trustees Names.

Osmond

Oſwald Peel, Gentlemen; In Truſt nevertheleſs and ſubject to ſuch Uſes as the Repreſentatives of the Freemen of this Province, in Aſſembly, ſhall from time to time appoint; And under this further Truſt and Confidence, that they the ſaid Truſtees, and the Survivors and Survivor of them, and the Heirs of ſuch Survivor ſhould convey the ſaid Iſland and Appurtenances, and transfer their ſaid Truſt to ſuch other Perſon or Perſons, and for ſuch Eſtate and Eſtates as the Repreſentatives aforeſaid, in Aſſembly, ſhould direct and appoint. Now to the Intent that the ſaid Iſland may be effectually ſecured to the Uſes aforeſaid, and that the Inconveniencies which might happen from the Importation of ſick Paſſengers within the Province may for the future be prevented, BE IT ENACTED by the Honourable GEORGE THOMAS, Eſqr; Lieutenant Governor with the Royal Approbation under the Honourable JOHN PENN, THOMAS PENN, and RICHARD PENN, Eſqrs; true and abſolute Proprietors of the Province of *Pennſylvania*, and the Counties of *New Caſtle*, *Kent*, and *Suſſex* on *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That the aforeſaid *Joſeph Harvey*, *Thomas Tatnal*, *Joſeph Trotter*, *James Morris* and *Oſwald Peel*, and the Survivors and Survivor of them, do ſtand ſeized, and they are hereby declared and enacted to ſtand ſeized of the Province-Iſland aforeſaid, and the Edifices and Buildings thereon erected and to be erected, with their and every of their Appurtenances, To hold the ſaid Iſland, and all and ſingular the Premiſes to them the ſaid *Joſeph Harvey*, *Thomas Tatnal*, *Joſeph Trotter*, *James Morris* and *Oſwald Peel*, and the Survivors and Survivor of them, and the Heirs of ſuch Survivor forever; in Truſt nevertheleſs, and for the Uſes, Intents and Purpoſes herein after ſpecified, and to and for no other Uſe, Intent or Purpoſe whatſoever, *That is to ſay*, That they the ſaid Truſtees, and the Survivors and Survivor of them, do undertake and continue their Care and Management of the ſaid Iſland, with the Appurtenances, and receive the Rents, Iſſues and Profits thereof, and duly to account for the ſame as herein after is directed, until ſuch Time as the Repreſentatives of the Freemen aforeſaid, in General Aſſembly, ſhall appoint others to ſucceed them in the ſaid Truſt: And on this further Truſt and Confidence, that they the ſaid Truſtees, and the Survivors and Survivor of them, and the Heirs of ſuch Survivor, do and ſhall permit and ſuffer ſuch Perſon and Perſons ſo hereafter from time to time to be appointed to ſucceed them in the Truſt aforeſaid, to have the Care and Management of the ſaid Iſland, and to receive and take the Rents, Iſſues and Profits thereof, to be accounted for and applied as herein after is directed.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That it ſhall and may be lawful to and for the aforeſaid *Joſeph Harvey*, *Thomas Tatnal*, *Joſeph Trotter*, *James Morris* and *Oſwald Peel*, or the greater Number of them, during the Continuance of their Truſt, and to and for ſuch other Perſon or Perſons as the Repreſentatives of the Freemen aforeſaid ſhall from time to time appoint in the Stead and Place of the ſaid Truſtees before-named, to grant, bargain and leaſe the Iſland aforeſaid, or any Part thereof, for ſuch Term and Terms of Years, not exceeding Seven, as to them ſhall ſeem expedient; So always as ſuch Tenant or Tenants to whom the ſame ſhall be ſo leaſed be obliged to keep the ſaid Buildings thereon erected, Banks, Dams, Fences, and other the demiſed Premiſes, in Repair, during the reſpective Terms for which the ſame ſhall be demiſed, and *Reſerving* always full Liberty to place and continue thereon, in the Manner herein after directed, any ſuch ſickly Perſons imported into this Province, as Occaſion ſhall require, in Purſuance of this Act: And alſo reſerving and excepting ſix Acres, Part of the ſaid Iſland, adjoining to the River *Delaware*, moſt commodious for erecting a new Hoſpital or Peſt-Houſe.

Truſtees impowered to leaſe the Iſland, &c.

Reſerving

Reſerving Six Acres.

PROVIDED ALWAYS, That nothing herein contained ſhall affect, vacate or make void the Contract made by the Truſtees before-named with *Jacob Mellor*, but that the ſaid Contract and Leaſe of the ſaid Province-Iſland ſhall be and remain as firm, valid and effectual to all Intents, Conſtructions and Purpoſes as if this Act had not been made.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Truſtees of the ſaid Province-Iſland herein before named, and ſuch others as ſhall at any time hereafter be appointed in their or any of their Steads, ſhall well and truly account with and pay to the Treaſurer of this Province for the time being, all ſuch Sum and Sums of Money as they or any of them already have received or at any time hereafter ſhall receive from the Iſland aforeſaid; to be diſpoſed of in ſuch Manner and for ſuch Uſes as the Repreſentatives of the Freemen aforeſaid, in Aſſembly, ſhall from time to time direct and appoint. And if it ſhall at any Time or Times happen that the ſaid Truſtees, or any of them ſhall fail ſo to do, that then, and ſo often, and in every ſuch Caſe, it ſhall and may be lawful for the Treaſurer aforeſaid to commence, proſecute and maintain an Action of Debt againſt ſuch Delinquent or Delinquents, and to recover the Sum or Sums ſo to become due, in any Court of Record in the Province, with Coſts of Suit.

Truſtees to account, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That when any Leaſe or Leaſes ſhall at any Time hereafter be made of the Province-Iſland aforeſaid, or any Part or Parcel thereof, and the Rent reſerved for the ſame, or any Part thereof, ſhall be in Arrear and unpaid, that then, and ſo often, and in every ſuch Caſe, and in all other Caſes wherein it ſhall be thought neceſſary, that they the before-named Truſtees, and the Survivors and Survivor of them, and the Heirs, Executors and Adminiſtrators of ſuch Survivor, ſhall permit and ſuffer all ſuch Suit and Suits, Action or Actions to be commenced and proſecuted in his, her or their Name or Names, as the Repreſentatives aforeſaid, in Aſſembly, ſhall at any Time or Times hereafter direct or appoint: So always that they the ſaid Truſtees, and every of them, and their Heirs, Executors and Adminiſtrators, and every of them, be well and truly indemnified, ſaved and kept harmleſs of and from any Coſts, Charges, Troubles or Moleſtations whatſoever, which may ariſe,

Truſtees ſhall ſuffer Suits to be commenced in their Names when neceſſary.

arise or happen for or by Reason of such Suit or Suits so to be commenced and prosecuted.

Governor, &c. may order imported infectious Persons to the Province Island, &c.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That when and so often as Occasion shall require, it shall and may be lawful for the Lieutenant Governor, or Commander in chief, for the time being, or to and for any two Justices of the Peace of any of the Counties within this Province respectively, to order and direct all sick and infectious Persons, at any Time hereafter imported into this Province, to be transported to the Province-Island aforesaid, there to remain in such Places as shall be provided for them by the Trustees aforesaid, until it shall be judged by the Physician attending them, that they are free from any infectious Distemper. Their Nursing, Physick, Maintenance and Necessaries to be paid for by the Importer, Master or Owner of the Vessel in which such sick and distempered Persons shall be imported; to be repaid to them out of the Effects of the said Passengers, respectively, if they have.

Their Nursing, &c. to be paid for by the Importer.

Upon Application of the Trustees, Importers of sick Persons shall be obliged to give Bond, &c.

AND for the better securing the Payment of the several Sums of Money which shall become necessary to disburse in or about such sick and distempered Persons as shall be imported as aforesaid; BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for any one of the Justices of the Peace aforesaid, on the Application of any one of the said Trustees, and they are hereby enjoined, as Occasion shall require, to send for the Masters or Owners of the Vessels in which such sick and distempered Persons shall, at any time hereafter, be imported, or the Importer of such sick Person or Persons, and oblige him, them, or some, or one of them, to give Bond, in a competent Sum of Money, together with one or more sufficient Sureties to them the said Trustees, with Condition to be underwritten, to find and provide proper Food, Nursing, Physick, and other Necessaries for the sick People aforesaid, or to pay for the same.

And refusing may be committed to Prison.

AND in case any Master or Importer shall refuse so to become bound, that then, and in every such Case, it shall and may be lawful for the said Justices, respectively, to commit the Offender to Prison, there to remain in close Custody, without Bail or Mainprize, until he or they shall conform to the Directions of this Act.

Trustees to keep fair Entries in a Book, of the Names, &c.

AND BE IT ENACTED by the Authority aforesaid, That the Trustees aforesaid, shall keep or cause to be kept, in a Book to be provided for that Purpose, a fair Entry of the Names of every sick Person that shall be transported to the said Hospital or Pest-House, and also the Names of the Vessel, Master or Merchant who shall import them into this Province.

None to be discharged from the Hospital without a Certificate.

AND BE IT ENACTED by the Authority aforesaid, That after any such distempered Person hath recovered his or her Health as aforesaid, they, or any of them, shall not be discharged from the Hospital or Pest-House but by a Certificate under the Hands of two or more of the said Trustees, certifying, That the Bearer (mentioning his Name) having remained in the Hospital for his Health until they the said Trustees judged him clear of any infectious Distemper, they had discharged him from the said Hospital or Pest House.

Penalty on entertaining Persons who have been ordered to the Pest House, &c.

AND WHEREAS the Entertaining sick and distempered Persons brought into this Province, has been attended with fatal Consequences, BE IT ENACTED by the Authority aforesaid, That no Housekeeper, or other Inhabitant of this Province, shall receive into his or their Houses or Out-Houses, or entertain any Person or Persons whatsoever, knowingly; that have been ordered by the Governor for the time being, or by any two Justices of the Peace of any of the Counties within the Province respectively, to be transported to the Hospital or Pest house pursuant to the Directions of this Act, unless such Person hath been discharged from the said Hospital or Pest house, and hath received from the Trustees, or any two of them as aforesaid, a Certificate, certifying, that the said Person or Persons is or are discharged from the said Hospital as aforesaid, on Penalty of paying the Sum of *Ten Pounds*, for every Offence, and also of maintaining and providing for the said sick distempered Person during his, her or their Sickness; and in case of Death, burying them at their own Expence. Which said Sum of *Ten Pounds* is hereby ordered to be paid to the Overseers of the Poor of the Township where such Delinquent may reside, for the Relief of the Poor of such Township; and to be recovered by the said Overseers, of the Person so offending, by a Warrant from any Magistrate, in the same Manner as Debts under *Forty Shillings* are recovered.

AND in case the Person harbouring or entertaining such sick and distempered Person shall be poor, or alledge he or she his not of Ability to pay the said Fine of *Ten Pounds*, such indigent Person shall be confined to the Work-House or Prison for any time not exceeding one Month, as the Magistrate or Magistrates of the respective County may direct.

Passed *February 3d.* 1742-3. Recorded A, Vol. 3. p. 118.

CONFIRMED *by the King in Council*, December *17th.* 1746.

CCCXLIV. *An* ACT *for the more easy Recovery of Legacies within this Province.* Continued by 23 and 30 Geo. II. Vol. 2. p. 127. and 289.

Legatees may sue for their Legacies.

FORASMUCH as the Laws of this Province, relating to the Recovery of Legacies, are defective: Therefore for Remedying thereof, BE IT ENACTED by the Honourable *GEORGE THOMAS*, Esq; with the King's Royal Approbation, Lieutenant Governor under the Honourable JOHN PENN, THOMAS PENN, and RICHARD PENN, Esqrs; true and absolute Proprietors of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent* and *Sussex* on *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That from and after the Publication of this Act, it shall and may be lawful for any Person or Persons to whom any Legacy or Bequest of any Sum or Sums of Money, or other Goods

Goods or Chattels, have been or may be made by the laſt Will and Teſtament of any other Perſon or Perſons legally made, to commence, ſue and proſecute an Action of Debt, Detinue or Accompt-render, as the Caſe may require, for ſuch Legacy after it becomes due, in any of the County Courts for holding of Pleas, in any of the Counties within this Province. And if it ſhall appear that the Legacy or Legacies is or are due, and there be ſufficient Aſſets in the Hands of the Executors or Adminiſtrators with Teſtaments annexed, to diſcharge the juſt Debts of the Teſtator, and the Legacy or Legacies bequeathed, the Plaintiff or Plaintiffs ſhall recover, with Coſts of Suit; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

If there be not Aſſets enough Abatement ſhall be made.

PROVIDED ALWAYS, That where it ſhall ſo happen that there are Aſſets in the Hands of any Executors, or Adminiſtrators with Teſtaments annexed, to diſcharge all the Debts of the Teſtator, with an Overplus not ſufficient to diſcharge all the Legacies which may be given, then an Abatement ſhall be made, in Proportion to the Legacies ſo given; unleſs it ſhall otherwiſe be provided by the Will. And where any Legatee or Legatees are or may be under Age at the Time when ſuch Legacy or Legacies ſhall become due, in ſuch Caſe ſuch Legatee or Legatees ſhall and may maintain an Action for their reſpective Legacies, by Guardian or next Friends, as fully, amply and largely as by Law they may do in any other Actions whatſoever.

Legatee being under Age, may ſue by Guardian, &c.

Upon Plea of Want of Aſſets, Auditors ſhall be appointed.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the reſpective Courts where the ſaid Actions ſhall be commenced, upon the Plea of the Want of Aſſets to pay all the Debts and Legacies, ſhall appoint Auditors to examine the Accounts of the Executors, and Adminiſtrators with Teſtaments annexed; who, after full Hearing of the Parties, at ſuch Times and Places as by them the ſaid Auditors ſhall be appointed, with Notice to the Parties, ſhall report how the Accompts of the Executors or Adminſtrators do ſtand, what Aſſets will remain after Payment of all the Debts, and what Part of the Remainder is the Proportion that ought to go towards paying of the Plaintiff's Legacies. For which Proportion only, unleſs it ſhall be otherwiſe provided by the Will, the Court ſhall then award Execution upon the Judgment to be had in the ſaid Suit: Which Judgment ſhall remain a Security for the Payment of the Remainder of the ſaid Legacies and Coſts, when ſufficient Aſſets for the Payment thereof come to the Executors or Adminiſtrators Hands. And where any Exceptions ſhall be taken by either of the Parties to the Report of the Auditors, it ſhall and may be lawful for the Court in which the Action ſhall be depending, on hearing of the Parties, to correct and amend any Miſtakes or Errors which may happen in the Accounts ſo to be reported.

No Suit to be maintained until reaſonable Demand made, &c.

PROVIDED ALWAYS, That no ſuch Suit ſhall be maintained for any ſuch Legacy until reaſonable Demand made of the Executor or Executors, or Adminiſtrators with Wills annexed, who ought to pay the ſame, and an Offer made of two ſufficient Sureties to the ſaid Executor or Executors, Adminiſtrator or Adminiſtrators aforeſaid; who, if they think proper to accept thereof, ſhall become bound to them the ſaid Executor or Executors, Adminiſtrator or Adminiſtrators aforeſaid, in double the Sum of the Legacy given, with Condition underwritten, that if any Part or the Whole thereof ſhall at any time after appear to be wanting to diſcharge any Debt or Debts, Legacy or Legacies which the ſaid Executor or Executors, Adminiſtrator or Adminiſtrators, ſhall not have other Aſſets to pay, that then he the ſaid Legatee will return his ſaid Legacy, or ſuch Part thereof as ſhall be neceſſary for the Payment of the ſaid Debts, or the Payment of a proportional Part of the ſaid Legacies. And if the ſaid Executors or Adminiſtrators ſhall not think proper to accept of ſuch Bond, then the ſaid Legatees ſhall file the ſame with the Clerk of the Court, before obtaining any Proceſs againſt the Executor or Exeeutors, Adminiſtrator or Adminiſtrators; otherwiſe, and in Default thereof, the Proceſs iſſued ſhall abate.

Court may award Coſts, or no Coſts, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Juſtices of the Courts aforeſaid, reſpectively, upon Conſideration of the Report of the Accompts of the Executors or Adminiſtrators ſhall, according to Juſtice and Equity, either award no Coſts or Coſts out of the Teſtator's Eſtate; or in caſe the Executors or Adminiſtrators have been faulty in delaying to pay the Legacy demanded, or a proportional Part thereof, without ſufficient Excuſe, then out of the proper Eſtate of the Executor or Executors, Adminiſtrator or Adminiſtrators; any thing herein contained to the contrary notwithſtanding.

Each Legatees to return proportionally

PROVIDED ALSO, That where there are or may be ſeveral Legatees, and a Return of Part of the ſaid Legacy ſued for appear neceſſary, in ſuch Caſe each Legatee ſhall only be compelled to return a proportional Part of his Legacy, ſo as to make up the whole Sum wanting.

Where no time is limited, Executors, &c. to have a Year.

PROVIDED ALSO, That where no Time in and by any Laſt Will and Teſtament is limited for the Payment of any ſuch Legacies, that then and in ſuch Caſe the ſaid Executors or Adminiſtrators ſhall have the Space of one Year to diſcharge the ſame.

Limitation of this Act.

AND BE IT ENACTED by the Authority aforeſaid, That this Act ſhall continue in Force for the Term of *Seven* Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

Paſſed *February* 3*d*. 1742-3. Recorded A, Vol. 3 p. 124.

CONFIRMED *by the King in Council* December 17th. 1746.

CCCXXXXV. *An* ACT *for naturalizing ſuch foreign Proteſtants as are ſettled or ſhall ſettle within this Province, who, not being of the People called* Quakers, *do conſcientiouſly refuſe the Taking of any Oath.* Vacated by an Act of Parliament. 20 Geo. II.

Paſſed *February* 3*d*. 1742-3. Recorded A, Vol. 3.p. 127,

At the COURT *at* St. *James's* the 21*ſt.* Day of *May* 1736.

PRESENT.

The KING'S moſt Excellent Majeſty,

Lord *Chancellor*, &c. &c, &c.

UPON reading this Day at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs, dated the 13th. of this Inſtant, in the Words following, *viz.*

YOUR Majeſty having been pleaſed by Your Orders in Council, of the 26th of *November*, and 29th. of *April* laſt, to refer unto this Committee, an Act paſs'd in the Province of *Pennſylvania*, on the 24th. Day of *June*, 1735, Intituled, An Act *for the more effectual veſting and ſettling certain Lands in George M'Call, purſuant to the Covenants and Agreements, of all the Parties, having any Intereſt in the ſame*; together with the Petition of *William Penn*, Eſqr; Grandſon and Heir at Law of *William Penn*, deceaſed, late Proprietary of *Pennſylvania*, praying to be heard againſt Your Majeſty's Confirmation of the ſaid Act: the Lords of the Committee this Day took the ſaid Act into their Conſideration, together with the Report from the Lords Commiſſioners for Trade and Plantations thereupon, and were proceeding to hear the Petitioner by his Counſel againſt the ſaid Act. But the Counſel for the Petitioner, declaring that the Petitioner waved all Oppoſition to Your Majeſty's Confirmation of the ſaid Act, the Lords of the Committee do thereupon humbly report to Your Majeſty (by the Conſent of all Perſons concerned in the ſaid Act, That the ſame is proper to receive your Majeſty's Royal Confirmation.

His Majeſty this Day took the ſaid Report into Conſideration, and was pleaſed to declare his Approbation of the ſaid Act. And purſuant to his Majeſty's Royal Pleaſure thereupon expreſſed, the ſaid Act, is hereby confirmed, finally enacted and Ratified accordingly.

W. SHARPE.

Recorded A, Vol. 2. p. 431.

At the COURT *at* St. *James's* the 12*th.* Day of *May* 1740.

PRESENT.

The KING's moſt Excellent Majeſty,

Arch Biſhop of *Canterbury*, &c. &c. &c.

WHEREAS in Purſuance of the Powers granted to the Proprietaries of the Province of *Pennſylvania*, by Letters Patent under the Great Seal, the Deputy Governor, Council and Aſſembly of the ſaid Province, did in *May* 1739. paſs an Act, which hath been tranſmitted, Intituled as follows, *viz.*

A Supplement *to an Act of Aſſembly of this Province*, Intituled *an Act, preſcribing the Forms of Declaration of Fidelity, Abjuration and Affirmation, in ſtead of the Forms heretofore required in ſuch Caſes.*

His Majeſty this Day took the ſaid Act into his Royal Conſideration; and having received the Opinion of the Lords Commiſſioners for Trade and Plantation, the Attorney and Sollicitor General, and alſo of a Committee of the Lords of his Majeſty's moſt Honourable Privy Council thereupon, is hereby pleaſed to declare his Diſallowance of the ſaid Act and purſuant to his Majeſty's Royal Pleaſure thereupon, the ſaid Act is hereby repealed declared void and of none Effect. Whereof the Deputy Governor, Council, and Aſſembly of the ſaid Province and all others whom it may concern are to take Notice, and govern themſelves accordingly. *W. SHARPE.*

At the COURT *at* St. *James's* the 12*th.* Day of *May*, 1740.

PRESENT.

The KINGS moſt Excellent Majeſty,

Arch Biſhop of *Canterbury*,, &c. &c. &c.

WHEREAS in purſuance of the Powers granted to the Proprietaries of the Province of *Pennſylvania*, by Letters Patent under the Great Seal, the Deputy Governor, Council and Aſſembly of the ſaid Province did in *May* 1739. paſs five Acts which have been tranſmitted and are intituled as follows *viz.*

An Act for the more eaſy and ſpeedy Recovery of ſmall Debts.

A Supplement to the Act for Electing Members of Aſſembly, &c.

An Act for the more effectual preſerving the Credit of our Paper Money, and recovering the Proprietary's Quit-Rent.

An Act for reprinting, Exchanging, and re-emitting all the Bills of Credit of this Province, and for ſtriking the further Sum of Eleven Thouſand One Hundred and Ten Pounds Five Shillings, *to be emitted upon Loan.*

An Act for the better enabling divers Inhabitants of the Province of Pennſylvania, *to Trade and hold Lands within the ſaid Province.*

His

His Majeſty this Day took the ſaid Acts into his Royal Conſideration, and having received the Opinion of the Lords Commiſſioners for Trade and Plantations, and alſo of a Committee of the Lords of his Majeſty's moſt Honourable Privy Council, thereupon, is hereby pleaſed to declare His Approbation of the ſaid Acts, and purſuant to his Majeſty's Royal Pleaſure thereupon expreſſed, the ſaid Acts are hereby confirmed finally enacted, and ratified accordingly. Whereof the Deputy Governor, Council and Aſſembly of the ſaid Province; and all others whom it may concern, are to take Notice, and govern themſelves accordingly. *W. SHARPE.*

At the COURT *of* St. *James's* the 17*th*. Day of *December*, 1746.

PRESENT,

The KING'S *moſt Excellent Majeſty,*

The Lord Preſident, &c. &c. &c.

WHEREAS in Purſuance of the Powers granted to the Proprietaries of the Province of *Pennſylvania*, by Letters Patent under the Great Seal; the Deputy Governor Council and Aſſembly of the ſaid Province did in *February* 1742, Paſs an Act which hath been transmitted and is intituled as followes *viz.*

An ACT *impoſing a Duty on Perſons convicted of heinous Crimes, brought into this Province, and not warranted by the Laws of* Great-Britain; *and to prevent poor and impotent Perſons being imported into the ſame.*

His Majeſty this Day took the ſaid Act into his Royal Conſideration and having received the Opinion of the Lords Commiſſioners for Trade and Plantations, and alſo of a Committee of the Lords of his Majeſtys moſt Honourable Privy Council thereupon, is hereby pleaſed to declare his Disallowance of the ſaid Act, and purſuant to his Majeſtys Royal Pleaſure thereupon expreſſed: The ſaid Act is hereby repealed, declared void and of none Effect. Whereof the Depury Governor, Council and Aſſembly of the ſaid Province, and all others, whom it may concern are to take Notice, and govern themſelves accordingly.

W SHARPE.

At the COURT *at* St. *James's* the 17*th*, Day of *December*, 1746.

PRESENT.

The KING'S moſt Excellent Majeſty,

Lord Preſident, &c. &c.

WHEREAS in Purſuance of the Powers granted to the Proprietaries of the Province of *Pennſylvania*, by Letters Patent under the Great Seal, the Deputy Governor, Council and Aſſembly of the ſaid Province, did in *February* 1742. paſs four Acts which have been tranſmitted and are intituled as followes, *viz.*

An Act for the more eaſy and ſpeedy Recovery of ſmall Debts.

An Act for continuing and amending the Act of Aſſembly, entituled, A Supplement to the Act for electing Members of Aſſembly, &c.

An Act for veſting the Province-Iſland, *and the Buildings thereon erected, and to be erected in Truſtees, for providing an Hoſpital for ſuch ſick Paſſengers as ſhall be imported into this Province; and to prevent the Spreading of infectious Diſtempers.*

An Act for the more eaſy Recovery of Legacies within this Province.

His Majeſty this Day took the ſaid Acts into his Royal Conſideration, and having received the Opinion of the Lords Commiſſioners for Trade and Plantations, and alſo of a Committee of the Lords of his Majeſty's moſt Honourable Privy Council thereupon, is hereby pleaſed to declare his Approbation of the ſaid Acts, and purſuant to his Majeſty's Royal Pleaſure thereupon expreſſed; the ſaid Acts are hereby confirmed, finally enacted and Ratified accordingly. Whereof the Deputy Governor, Council and Aſſembly of the ſaid Province, and all others whom it may concern, are to take Notice, and govern themſelves accordingly.

W. SHARPE.

At the COUNCIL-CHAMBER, Whitehall, *the 29th Day of* October, 1748.

PRESENT.

Their Excellencies the Lords Juſtices,

Lord Chancellor, &c. &c, &c,

WHEREAS in Purſuance of the Powers granted to the Proprietaries of the Province of *Pennſylvania*, by Letters Patent, under the Great Seal, the Deputy Governor, Council and Aſſembly, of the ſaid Province, did, in 1744, 1745, 1746, and 1747, paſs ſeveral Acts, which have been tranſmitted, Eleven whereof are entituled as followes, *viz.*

An Act for the new Appointment of Truſtees of the General Loan-Office of Pennſylvania, *and for making current* Ten Thouſand Pounds *in new Bills of Credit, to exchange ſuch of thoſe, now by Law current, as are torn and defaced*: paſſed the 26th of *May*, 1744.

An Act for re-emitting and continuing the Loan of the Bills of Credit of this Province; paſſed the 7th of *May*, 1745.

An Act for granting Five Thouſand Pounds *to the King's Uſe out of the Bills of Credit now remaining in the* Hands *of the Truſtees of the General Loan-Office, for exchanging torn and ragged Bills, and for ſtriking the like Sum to replace in their Hands*; paſſed the 24th of *June*, 1746.

An Act for the ſpeedy Trial of Capital Offences, committed by any Indian *or* Indians *in the remote*

Parts

Parts of the Province; paſſed the 19th of *October*, 1744.

An Act *for erecting a Houſe of Correction and a Work-houſe in the Borough of* Briſtol, *in the County of* Bucks, *and for raiſing of Money on the Inhabitants of the ſaid Borough for the Publick Uſe and Benefit thereof*; paſſed the 7th, of *March*, 1745.

An Act *for amending the ſeveral Acts for electing Members of Aſſembly*; paſſed the 7th. of *March*, 1745.

An Act *for the more eaſy and ſpeedy Recovery of ſmall Debts*; paſſed the 7th of *March*, 1745.

A *Supplementary Act to the Act*, entituled. *An Act for preventing the Exportation of Bread and Flour not merchantable*; paſſed the 7th of *March*, 1745.

An Act *for the more effectual ſuppreſſing prophane Curſing and Swearing*; paſſed the 7th of *March* 1745.

A *Supplement to the* Act, entituled, *An Act for erecting Houſes of Correction and Work-houſes in the reſpective Counties, and to the* Act, entituled, *An Act to enable* Jeremiah Langhorne, *&c. to build a Court-houſe in the County of* Bucks; paſſed the 7th of *March*, 1745.

An Act *for the Continuance of an* Act entituled, An Act *for the better ſecuring the City of* Philadelphia *from the Danger of Gun-powder*; paſſed the 8th of *May*, 1747.

Their Excellencies, the Lords Juſtices, this Day took the ſaid Acts into Conſideration, and having received the Opinion of the Lords Commiſſioners for Trade and Plantations, and alſo of a Committee of the Lords of his Majeſty's moſt Honourable Privy Council thereupon, are hereby pleaſed to declare their Approbation of the ſaid Acts: And purſuant to their Excellencies Pleaſure thereupon expreſſed, the ſaid Acts are hereby confirmed, finally enacted and ratified accordingly. Whereof the Deputy Governor, Council and Aſſembly of the ſaid Province, and all others whom it may concern, are to take Notice, and govern themſelves accordingly.

W. SHARPE.

At *the* COURT *at St.* James's *the* 10*th Day of* May, 1753.

PRESENT,

The KING's moſt Excellent Majeſty.

Lord Preſident, &c. &c. &c,

WHEREAS in Purſuance of the Powers granted to the Proprietaries of the Province of *Pennſylvania*, by Letters Patent, under the Great Seal, the Deputy Governor, Council and Aſſembly, of the ſaid Province, did, in the Years 1750, 1751, and 1752, paſs twelve Acts, which have been tranſmitted, and are intituled as followeth, *viz.*

An Act *for explaining and aſcertaining the Boundary Line between the Counties of* York *and* Cumberland, *in the Province of* Pennſylvania, paſſed the 9th. of *February*, 1750.

An Act *for the more effectual preventing Accidents which may happen by Fire, and for ſuppreſſing Idleneſs, Drunkenneſs and Debauchery*; paſſed the 9th of *February*, 1750.

An Act *for the better regulating the nightly Watch, within the City of* Philadelphia, *and for enlightening the Streets, Lanes and Alleys of the ſaid City, and for raiſing of Money on the Inhabitants of the ſaid City for defraying the neceſſary Expences thereof*; paſſed the 9th of *February*, 1750.

An Act *to encourage the Eſtabliſhing of an Hoſpital, for the Relief of the Sick Poor of this Province, and for the Reception and Cure of Lunaticks*; paſſed the 11th of *May*, 1751.

An Act *for erecting Part of the Counties of* Philadelphia, Cheſter *and* Lancaſter, *into a ſeparate County*; paſſed the 11th of *March*, 1752.

An Act *for erecting the* North-Weſt *Part of* Bucks *into a ſeparate County*; paſſed the 11th of *March* 1752.

An Act *to regulate the Aſſize of Bread*; paſſed the 11th of *March*, 1752.

An Act *to prevent Diſputes about the Dates of Conveyances, and other Inſtruments and Writings*; paſſed the 11th of *March*, 1752.

An Act *for directing the Choice of Inſpectors in the Counties of* Cheſter, Lancaſter, York, Cumberland, Berks *and* Northampton; paſſed the 11th of *March*, 1752,

An Act *for preventing Bribery and Corruption in the Election of Sheriffs and Coroners, within this Province*; paſſed the 11th of *March*, 1752.

An Act *for regulating and eſtabliſhing Fees*; paſſed the 22d. of *Auguſt*, 1752.

An Act *for regulating* Attachments *not exceeding* Five Pounds; paſſed the 22d. of *Auguſt*, 1752.

His Majeſty this Day took the ſaid Acts into Conſideration; and having received the Opinion of the Lords Commiſſioners for Trade and Plantations, and alſo of a Committee of the Lords of his Majeſty's moſt Honourable Privy Council thereupon, is hereby pleaſed to declare his Approbation of the ſaid Acts: And purſuant to his Majeſty's Royal Pleaſure thereupon expreſſed, the ſaid Acts are hereby confirmed, finally enacted, and ratified accordingly: Whereof the Deputy Governor, Council, and Aſſembly of the ſaid Province, and all others whom it may concern, are to take Notice, and govern themſelves accordingly.

W. SHARPE.

At

At the COURT *at Kenſington* the 7*th*. Day of *July*, 1756.

PRESENT.

The KING*S moſt Excellent Majeſty in Council.*

Lord Preſident, &c. &c. &c.

WHEREAS in Purſuance of the Powers granted to the Proprietaries of the Province of *Pennſylvania* by Letters Patent under the great Seal, the Deputy Governor, Council and Aſſembly of the ſaid Province, did, in *April*, *June*, *September*, and *November* 1755. Paſs Five Acts which have been tranſmitted and are Intitled as followes, *viz.*

An Act to prevent the Exportation of Proviſions Naval or Warlike Stores from this Province to Cape-Breton or to any other the Dominions of the French King, or Places at preſent in Poſſeſſion of any of his Subjects.

An Act to continue an Act intituled *An Act to prevent the Exportation of Proviſions, Naval, or Warlike Stores from this Province, to Cape-Breton or to any other the Dominions of the French King or Places at preſent in Poſſeſſion of any of his Subjects.*

An Act for ſtriking the Sum of Ten Thouſand Pounds in Bills of Credit to exchange ſuch of thoſe now by Law Current within this Province as are torn and defaced.

An Act to continue An Act intituled, *An Act directing the Choice of Inſpectors in the Counties of Cheſter, Lancaſter, York, Cumberland, Berks,* and *Northampton.*

An Act for granting the Sum of Sixty Thouſand Pounds to the Kings Uſe and for ſtriking Fifty Five Thouſand Pounds thereof in Bills of Credit and to provide a Fund for ſinking the ſame.

His Majeſty this Day took the ſaid Acts into his Royal Conſideration, and having received the Opinion of the Lords Commiſſioners for Trade and Plantations and alſo of a Committee of the Lords of his Majeſty's moſt Honourable Privy Council thereupon is hereby pleaſed, to declare his Approbation of the ſaid Acts; And purſuant to his Majeſtys Royal Pleaſure thereupon expreſſed, the ſaid Acts are hereby confirmed, finally enacted, and ratified accordingly. Whereof the Deputy Governor, Council, and Aſſembly of the ſaid Province, and all others whom it may concern, are to take Notice, and govern themſelves accordingly.

W. SHARPE.

At the COURT *at* Kenſington, *the* 7*th Day of* July, 1756.

PRESENT,

The KING's moſt Excellent Majeſty.

Lord Preſident, &c. &c. &c.

WHEREAS in Purſuance of the Powers granted to the Proprietaries of the Province of *Pennſylvania*, by Letters Patent, under the Great-Seal, the Deputy Governor, Council and Aſſembly of the ſaid Province, did in *Auguſt* and *November*, 1755. paſs two Acts, which have been tranſmitted, and are intituled as followes, *viz.*

" An Act for extending ſo much of an Act of Par liament, intituled, *An Act for puniſhing Muti-*
" *ny and Deſertion, and for the better Payment of the Army and their Quarters*, paſſed in the Twen-
" ty-eighth Year of the preſent Reign, as relates to the Quartering and Billeting of Soldiers, and
" Payment of their Quarters, in that Part of *Great-Britain* called *England.*

" An Act for the better ordering and regulating ſuch as are willing and deſirous to be united for mi-
" litary Purpoſes within this Province."

His Majeſty this Day took the ſaid Acts into His Royal Conſideration, and having received the Opinion of the Lords Commiſſioners for Trade and Plantations, and alſo of a Committee of the Lords of His Majeſty's moſt Honourable Privy Council thereupon, is hereby pleaſed to declare His Diſallowance of the ſaid Acts. And purſuant to His Majeſty's Roval Pleaſure thereupon expreſſed, the ſaid Acts are hereby repealed, declared void, and of none Effect. Whereof the Deputy Governor, Council and Aſſembly of the ſaid Province, and all others whom it may concern, are to take Notice, and govern themſelves accordingly.

W. SHARPE.

At *the* COURT *at Kenſington the* 2*d*. Day *of* September, 1760.

PRESENT,

The KING's moſt Excellent Majeſty.

Arch Biſhop of *Canterbury* &c. &c. &c,

WHEREAS there was this Day read at the Board, a Report from the Right Honourable the Lords of the Committee of His Majeſty's moſt Honourable Privy Conneil for Plantation Affairs, upon conſidering nineteen Acts paſſed in the Province of *Pennſylvania*, in the Years 1758, and 1759, which Report is dated the 28th. of laſt Month, and is in the Words following, *viz.*

YOUR Majeſty having been pleaſed by Your Orders in Council of the 16th of *February*, and 13th of *March* laſt, to refer unto this Committee, nineteen Acts paſſed in the Province of *Pennſylvania*, in the Years 1758 and 1759, as likewiſe a Petition of the Proprietaries of the ſaid Province, complaining of Eleven of the ſaid Acts, and praying to be heard thereupon before they received your Majeſty's Royal Confirmation. The Lords of the Committee, thought it proper to tranſmit the ſaid Acts, together with the ſaid Petition, to the Lords Commiſſioners for Trade and Plantations, to examine into all the ſaid nineteen Acts, and to hear the Petitioners, upon ſuch of the ſaid Acts, againſt which they had made their Complaint; and the ſaid Lords Commiſſioners having accordingly examined into the ſaid Acts, and heard Counſel upon the Petition of the ſaid Proprietaries againſt Eleven of them, as likewiſe Counſel on the Behalf of the Houſe of Repreſentatives of the ſaid Province, in Support of the ſaid Eleven Acts, The ſaid Lords Commiſſioners have made their Report upon all the ſaid Acts to this Committee; And it appearing by the ſaid Report, that the ſaid Lords Commiſſioners were of Opinion, that ſeven out of the ſaid Eleven Acts, complained of by the ſaid Proprietaries, were proper to be repealed by your Majeſty, The Agents for the Houſe of Repreſentatives, made Application to this Committee, praying to be heard in Support of the ſaid ſeven Acts, and having entered into the uſual Security, according to the Rules of the Council Board, to be anſwerable for Coſts in Caſe it ſhoul'd be judged neceſſary to require them to pay the ſame; The Lords of the Committee thought proper to comply with their Requeſt, and accordingly, on the 27th of this Inſtant, and likewiſe on this Day, took the ſaid nineteen Acts, and Report into Conſideration, and heard Counſel on Behalf of the ſaid Agents in Support of the ſaid ſeven Acts, as likewiſe Counſel on Behalf of the ſaid Proprietaries againſt the ſame, and do agree humbly to report to Your Majeſty.

That as to the ſix following Acts, intituled, An Act *for re emitting the* Bills of Credit of this Province *heretofore re-emitted on Loan, and for ſtriking the further Sum of* Thirty-ſix Thouſand Six Hundred and Fifty Pounds, *to enable the Truſtees to lend* Fifty Thouſand Pounds *to Colonel* John Hunter, *Agent for the Contractors with the Right Honourable the Lords Commiſſioners of His Majeſty's Treaſury, for His Majeſty's Service.* Paſſed 20th. *June* 1759.

A Supplement *to the Act intituled, An Act for reemitting the* Bills of Credit *of this Province, heretofore re-emitted on Loan, and for ſtriking the further Sum of* Thirty-ſix Thouſand Six Hundred and Fifty Pounds, *to enable the Truſtees to lend* Fifty Thouſand Pounds *to* Colonel John Hunter, *Agent for the Contractors with the Right Honourable the Lords Commiſſioners of His Majeſtys Treaſury, for His Majeſty's Service.* paſſed the 29*th. September*, 1759.

An Act *for recording Warrants and Surveys, and for rendering the real Eſtates and Property within this Province more ſecure.* paſſed the 7*th. July*, 1759.

An Act *for the more effectual ſuppreſſing of Lotteries and Plays.* paſſed the 20*th*, *June*, 1759.

A Supplement *to the Act intituled, An Act for eſtabliſhing Courts of Judicature in this Province.* paſſed the 29*th. September*, 1759.

An Act *for the Relief of the Heirs, Deviſees, and Aſſigns of Perſons born out of the King's Liegeance; who have been Owners of Lands within this Province, and have died unnaturalized.* paſſed the 20*th*, *June*, 1759.

The Lords of the Committee are of Opinion that it may be adviſeable for Your Majeſty to adjudge and declare under your Privy Seal, all the ſaid ſix Acts, to be void.

That as to the Act *intituled*, An Act *for granting to His Majeſty the Sum of* One Hundred Thouſand Pounds, *and for ſtriking the ſame in* Bills of Credit *in the Manner herein after directed, and for providing a Fund for ſinking the ſaid* Bills of Credit *by a Tax on all Eſtates real and perſonal, and taxables within this Province.* paſſed *April* the 17*th.* 1759

The Lords of the Committee, were of Opinion that the ſaid Act is fundamentally wrong and unjuſt, and ought to be repealed, unleſs the following Alterations and Amendments cou'd be made therein, *viz.*

1. That the real Eſtates to be taxed, be defined with Preciſion, ſo as not to include the unſurveyed waſte Land belonging to the Proprietaries.

2. That the located uncultivated Lands belonging to the Proprietaries, ſhall not be aſſeſſed higher than the loweſt Rate, at which any located uncultivated Lands belonging to the Inhabitants ſhall be aſſeſſed.

3. That all Lands not granted by the Proprietaries within Boroughs and Towns be deemed located uncultivated Lands, and rated accordingly, and not as Lots.

4. That the Governors Conſent and Approbation be made neceſſary to every Iſſue and Application of the Money to be raiſed by Virtue of ſuch Act.

5. That Provincial Commiſſioners be named to hear and determine Appeals, brought on the Part of the Inhabitants as well as of the Proprietaries.

6. That the Payments by the Tenants to the Proprietaries of their Rents, ſhall be according to the Terms of their reſpective Grants, as if ſuch Act had never been paſſed.

The Proprietaries *Thomas Penn and Richard Penn*, and *Benjamin Franklin* and *Robert Charles*, Agents for the Province, being acquainted with the Opinion, of this Committee, The Proprietaries declared, that for

for the ſake of Peace, and to avoid further Conteſt they woud inſtruct their Governor to aſſent to an Act for diſcharging the ſaid Debt of *One Hundred Thouſand Pounds* in the Form of the ſaid Act now under Conſideration ſo altered and amended.

And the ſaid Agents for the Province propoſed, that in Caſe this preſent Act ſhoud not be repealed, they woud undertake that the Aſſembly, will prepare, paſs the Aſſembly, and offer to the Governor, An Act to amend this Act in ſuch Manner as if it had originally been penned according to the Amendments and Alterations above propoſed, and will indemnify the Proprietaries from any Damage they may ſuſtain by ſuch Act not being ſo prepared, paſſed by the Aſſembly and offered to the Governor, and have ſigned ſuch Undertaking in the Books of the Council Office in the following Words, *viz.*

We the underſigned *Benjamin Franklin* and *Robert Charles*, Agents for the Province of *Pennſylvania*, do hereby conſent, that in Caſe, An Act paſſed in the ſaid Province in *April* 1759, entituled, An Act *for granting to His Majeſty the Sum of* One Hundred Thouſand Pounds, *and for ſtriking the ſame in Bills of Credit in the Manner herein after directed, and for providing a Fund for ſinking the ſaid Bills of Credit by a Tax on all Eſtates, real and perſonal and taxables within this Provinc*, ſhall not be repealed by His Majeſty in Council, We the ſaid Agents do undertake, that the Aſſembly of *Pennſylvania*, will prepare and paſs, and offer to the Governor of the ſaid Province of *Pennſylvania*, an Act to amend the aforementioned Act according to the Amendments propoſed in the Report made by the Lords of the Committee of Council this Day (upon the ſaid *One Hundred Thouſand Pound Act* and other *Pennſylvania Acts*) and We will indemnify the Proprietaries from any Damage that they may ſuſtain by ſuch Act not being ſo prepared and paſſed by the Aſſembly and offered to the Governor. Witneſs our Hands this *Twenty-eighth* Day of *Auguſt*, 1760

Leſt ſome Inconveniencies ſhou'd ariſe from the Repeal of the ſaid Act, in Reſpect of the good Purpoſes thereof, the Lords of the Committee are humbly of Opinion, that your Majeſty may rely upon the Undertaking for the Aſſembly of *Pennſylvania*, by their Agents, and permit this Act to ſtand unrepealed, becauſe the Objections upon which this Committee ſhou'd have founded their Advice for the Repeal, will certainly be removed in a Way more agreeable and convenient to the Province.

That as to the Eight following Acts *entituled*, An Act *for the Continuance of an Act of Aſſembly of this Province, entituled, a Supplementary Act to the Act entituled, An Act for preventing the Exportation of Bread and Flour not merchantable and for the new Appointment of Officers to put the ſaid Law in Execution.* paſſed the 27*th. September*, 1758.

An Act *for the further Continuance of an Act of Aſſembly of this Province*, entituled, *An Act for the Continuance of An Act of Aſſembly of this Province*, entituled, *a Supplementary Act to the Act* entituled, *An Act for preventing the Exportation of Bread and Flour not merchantable, and for the new Appointment of Officers to put the ſaid Law in Execution.* paſſed the 19*th, October*, 1759.

An Act *to prevent the Exportation of bad or unmerchantable Staves Heading Boards and Timber.* paſſed the 21*ſt, April*, 1759,

A Supplement *to the Act* entituled, *An Act for regulating the Hire of Carriages to be employed in His Majeſtys Service.* paſſed the 20*th, September*, 1758

A Supplement *to an Act* entituled, *An Act for preventing Abuſes in the Indian Trade, for ſupplying the Indians, Friends and Allies of Great Britain with Goods at more eaſy Rates, and for ſecuring and Strengthening the Peace and Friendſhip lately concluded with the Indians Inhabiting the Northern and Weſtern Frontiers of this Province.* paſſed the 17*th. April* 1759.

A Supplement *to the Act*, entituled, An Act *for granting to His Majeſty a Duty of Tonnage upon Ships and Veſſels, and alſo certain Duties upon Wine, Rum, Brandy, and other Spirits, and a Duty upon Sugar for Supporting and maintaining the Provincial Ship of War for protecting the Trade of this Province, and other Purpoſes for His Majeſty's Service*, paſſed 21*ſt April* 1759.

An Act *for regulating the Hire of Carriages, to be employed in His Majeſty's Service.* paſſed 21ſt. *April* 1759.

An Act *to continue an Act, entituled, an Act for directing the choice of Inſpectors in the Counties of* Cheſter, Lancaſter, York, Cumberland, Berks *and* Northampton. paſſed 29th. *September* 1759.

The Lords of the Committee do humbly report to your Majeſty that they have no Ojection thereto.

And the Lords of the Committee do further humbly report to your Majeſty, That as to the Act entituled.

An Act *for appointing an Agent to apply for and receive the diſtributive Share and Proportion, which ſhall be aſſigned to this Province, of the Sum of Money granted by Parliament to His Majeſty's Colonies in America.* paſſed 29th. *September* 1759.

The Lords Commiſſioners for Trade and Plantations not having offered any objection to this Act, it has been permitted to run our ſix Months ſince it was firſt laid before your Majeſty, and by that Means it ſtands confirmed by Virtue of the Proprietaries Charter.

And that with regard to the three following Acts, intituled, An Act, *in Addition to An Act*, entituled,

ed, *An Act for regulating the Hire of Carriages to be employed in His Majeſtys Service.* paſſed the 29*th. September*, 1758.

An Act *for extending ſeveral Sections of an Act of Parliament paſſed in the Thirty ſecond Year of the preſent Reign*, entituled, *An Act, for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters* paſſed the 21*ſt. April* 1759

An Act *for regulating the Officers and Soldiers in the Pay of this Province.* Paſſed 21ſt. *April* 1759.

The Lords of the Committee, do humbly report to your Majeſty, that the ſaid three Acts are expired, and that it will therefore be unneceſſary for your Majeſty to give any Orders thereupon.

His Majeſty this Day took the ſaid Report into his Royal Conſideration, and was pleaſed with the Advice of His Privy Council to approve of all that is therein propoſed to be done with Reſpect to the ſaid Laws; and having adjudged and declared void the ſix Acts firſt mentioned in the ſaid Report, His Majeſty hath thought proper to direct the Lord Privy Seal to prepare and paſs under the privy Seal, a proper Inſtrument ſignifying ſuch His Majeſty's Adjudication and Declaration of all the ſaid ſix Acts to be void. And His Majeſty doth hereby further declare and order that with Reſpect to the Act for granting to His Majeſty *One Hundred Thouſand Pounds, and for ſtriking the ſame in Bills of Credit*, &c. the ſame do ſtand unrepealed: And as to the eight following Acts, to which the Lords of the Committee have offered no Objection, His Majeſty is hereby pleaſed to ſignify his Royal Approbation thereof: And the Proprietaries of *Pennſylvania*, their Lieutenant or Deputy Governor, and the Aſſembly of the ſaid Province, and likewiſe all others whom it may concern, are to take Notice, and govern themſelves accordingly.

W. BLAIR.

THE

CHARTERS

AND

ACTS OF ASSEMBLY

OF THE

PROVINCE

OF

PENNSYLVANIA.

VOL. II.

CONTAINING the ACTS of ASSEMBLY of the said PROVINCE, from the Year 1744 to 1759, now in Force: A COLLECTION of all the LAWS that have been formerly in Force within this PROVINCE, for REGULATING of DESCENTS and TRANSFERRING the PROPERTY of LANDS, but are since expired, altered, or repealed: from the Eſtabliſhment of the Province, down to this preſent Time.

Compared with the PUBLIC RECORDS.

TOGETHER WITH

An INDEX, referring to the MATTERS contained in both the VOLUMES.

PHILADELPHIA,

Printed by PETER MILLER and COMP. MDCCLXII.

CHARTERS

OF THE

ASSEMBLY

OF THE

PROVINCE

OF

PENNSYLVANIA.

T I T L E S

Of all the ACTS of ASSEMBLY of the Province of Pennſylvania, paſſed ſince the 26th of *May*, 1744, to the 29th of *September*, 1759, conſtituting the *Second Volume* of the Laws of Pennſylvania.

Note, That the Titles of the Laws now in Force are printed in Roman Characters; and of the Laws *repealed*, *expired* or *obſolete*, in *Italick*.

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43. An Act for ſtriking the Sum of *Ten Thouſand Pounds,* in Bills of Credit, to exchange ſuch of thoſe now by Law current, within this Province, as are torn and defaced. ibid.

44. *An Act for extending ſo much of an Act of Parliament, intituled,* "*An Act for puniſhing Mutiny and Deſertion, and for the better Payment of the Army, and their Quarters,*" *paſſed in the Twenty-eighth Year of the preſent Reign, as relates to the Quartering and Billetting of Soldiers, and Payment of their Quarters, in that Part of Great-Britain called England,* 53

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50. An Act *for regulating the Officers and Soldiers commiſſionated and raiſed by the Governor for the Defence of this Province,* ibid

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57. An Act for binding out and ſettling ſuch of the Inhabitants of Nova-Scotia, imported into this Province, as are under Age; and for maintaining the Aged, Sick and Maimed, at the Charge of the Province, ibid

58. An Act *for regulating the Officers and Soldiers commiſſionated and raiſed by the Governor for the Defence of this Province: and for repealing the Act of General Aſſembly, paſſed in the preſent Reign, for the ſame Purpoſes,* 72

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67. A Supplement to an Act intituled, "An Act for binding out and ſettling ſuch of the Inhabitants of Nova-Scotia, imported into this Province, as are under Age, and for maintaining the Aged, Sick and Maimed, at the Charge of the Province," ibid

68. An Act to enable Richard Hill, and Samuel Preſton Moore, and Hannah his Wife, to comply with, eſtabliſh, ratify and confirm certain Agreements, made between the ſaid Samuel Preſton Moore, and Richard Hill, late of the City of Philadelphia, jointly, of the one Part, and divers other Perſons of the other Part: And alſo between the ſaid Richard Hill deceaſed, ſeparatly, of the one Part, and divers other Perſons of the other Part: which were entered into by them in the Life-time of the ſaid Richard Hill deceaſed, ſome of whoſe Heirs and Diviſees are under Age, 79

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79. A Supplement to the Act, intituled, "An Act for preventing Abuſes in the Indian Trade, for ſupplying the Indians, Friends and Allies of Great-Britain, with Goods at more eaſy Rates, and for ſecuring and ſtrengthening the Peace and Friendſhip lately concluded with the Indians inhabiting the Northern and Weſtern Frontiers of this Province, 98

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XVII. GEO. II
A. D. 1744.

II. *AN ACT, for the new Appointment of Trustees of the General Loan-Office of Pennsylvania; and for making current Ten Thousand Pounds in new Bills of Credit, to exchange such of those now by Law current as are torn and defaced.*

Preamble.

WHEREAS by an Act of Assembly of this Province, entitled, *An Act for Reprinting, Exchanging, and Re-emitting all the Bills of Credit of this Province*, &c. past in the Year 1739. *John Kinsey, Jonathan Robeson, Joseph Kirkbride, Caleb Coupland, and John Wright* were appointed Trustees of the said General Loan-Office, with full Power and Authority to execute the Trust in them reposed by the said Act, and also to do, perform, and suffer all other Matters and Things whatsoever, as fully, to all Intents and Purposes, as any former Trustees of the said Office by Virtue of former Acts of Assembly might have done or suffered. AND WHEREAS, in and by the said Act, it is further provided, that the said Trustees should no longer continue in the Exercise of the said Office than four Years, and from thence to the End of the then next Session of Assembly. AND WHEREAS Disputes have arisen, when the Time of the said Trustees of the General Loan-Office will expire. THEREFORE, to the End those Doubts may be removed, and a new Appointment made of Trustees to execute the Trust aforesaid, BE IT ENACTED by the Honourable *GEORGE THOMAS*, Esqr; with the King's Royal Approbation, Lieutenant Governor, under the Honourable JOHN PENN, THOMAS PENN, and RICHARD PENN, Esqrs. true and absolute Proprietors of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That from and after the first Day of the Month call'd *August*, in the Year of our Lord 1744 the said *Jonathan Robeson, Joseph Kirkbride*, and *Caleb Coupland*, and every of them, be, and hereby are discharged from executing the Office of Trustees of the General Loan-Office aforesaid: And *John Kinsey, Thomas Leech, John Watson, Thomas Chandler*, and *John Wright*, are hereby nominated and appointed Trustees of the said General Loan-Office of the Province of *Pennsylvania*, to succeed the Trustees first named in the said Trust; and on the first Day of the Month aforesaid, to enter upon the Execution of the said Trust, to which they are hereby appointed, and to hold and order the said General Loan-Office, and to receive and issue Bills of Credit of this Province, and to do, execute, and perform all and singular other the Matters and Things whatsoever injoined and required, or that shall be enjoined and required to be done by the Trustees of the said General Loan-Office in the said Office, by any Acts of Assembly now made, or that shall be made, during their Continuance in the said Trust, or until they shall be legally removed therefrom, as fully and amply to all Intents and Purposes, as the present or any former Trustees of the said General Loan-Office of *Pennsylvania*, now can or might have done, by any Act of Assembly in which the Trustees in the said Acts named were appointed, and as fully as if the said *John Kinsey, Thomas Leech, John Watson, Thomas Chandler*, and *John Wright* were named and appointed Trustees in the Bodies of the said Acts of Assembly; each of them the said Trustees, before they enter upon the Execution of their Trust, first giving Bond to the Provincial Treasurer for the Time being, in the Sum of *Three Thousand Pounds*, with the Condition for the due Execution of the Trust and Performance of all Things required of them, as well by the Act, entitled, *An Act for Reprinting, Exchanging, and Re-emitting all the Bills of Credit of this Province*, &c. as by this present Act, and also taking an Oath or Affirmation, as in and by the said Act is injoined and required.

New Trustees of the General Loan-Office appointed.

Their Charge.

To give Bond.

And be qualified.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That if any of the Trustees of the General Loan-Office herein before named, shall happen to die or be removed for Misfeazance, some other fit Person or Persons shall be appointed in the Place and Places of such Trustee or Trustees, by the Assembly.

To be replaced by the Assembly.

PROVIDED ALWAYS, AND IT IS HEREBY FURTHER ENACTED, That none of the Persons herein before named shall longer continue in the Exercise of the said Office than the Space of four Years from the Time of the Commencement of their Trust as aforesaid, and from thence until a new Nomination and Appointment of Trustees of the said General Loan-Office shall be made, as in and by the last mentioned Act of Assembly is directed.

To continue four Years in their Office.

AND BE IT ENACTED, by the Authority aforesaid, That the said *John Kinsey, Thomas Leech, John Watson, Thomas Chandler* and *John Wright*, are hereby authorized and required, from and immediatly after the Commencement of their Trust, to demand, take and receive of the said *Jonathan Robeson, Joseph Kirkbride*, and *Caleb Coupland*, their Heirs, Executors and Administrators, and every of them, and of every other Person and Persons concerned, all the Mortgage-Deeds, Bonds, and Warrants of Attorney, together with the Books of Records and Inrolments of the same, and all Deeds, Evidences and Writings, relating to or concerning the Right or Title of any Lands, Tenements, Hereditaments, or other Things taken or received by the Trustees at any Time heretofore named or appointed, into the said General Loan Office, for securing the Payment of any Sum or Sums of Money, and all the Bills of Credit remaining in their or any of their Hands belonging to the said Loan-Office.

To receive all Securities and Bills of Credit &c from their Predecessors.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That all the aforesaid Mortgages, and Inrolments of the same, or other Deeds, Evidences, and Writings, relating to or concerning any Mortgage, or other Security for Payment of any Money or Bills of Credit into the said Loan-Office of the Province of *Pennsylvania*, and all Plate, with the said Bills of Credit now remaining in their or any of their Hands, shall immediately from and after the first Day of the Month aforesaid, be deliver-

Who shall deliver up the same.

ed with all convenient Speed to the Truſtees of the ſaid General Loan-Office in this Act named and appointed, who are hereby impowered to account with and receive the ſame from the ſaid *Jonathan Robeſon*, *Joſeph Kirkbride*, and *Caleb Coupland*, or any other Perſon or Perſons whatſoever, having the ſame in their Hands or Poſſeſſion, and to lay the ſeveral Accounts before the Aſſembly of this Province when thereunto, required and that a Receipt of the Truſtees by this Act appointed, or any three of them, ſhall be ſufficient to diſcharge them the ſaid *Jonathan Robeſon*, *Joſeph Kirkbride*, and *Caleb Coupland*, their Heirs, Executors and Adminiſtrators, for ſuch Bills of Credit, Plate, Mortgage-Deeds, Enrolments of the ſame, and other Writings ſo to be delivered.

Truſtees &c. removed to have Recourſe to the Mortgages or Records.

PROVIDED ALWAYS, That it ſhall and may be lawful for the ſaid Truſtees by this Act removed, or any of them, at any ſeaſonable Time or Times hereafter, to have Recourſe to and Inſpection of all the Mortgage-Deeds or Enrolments of the ſame, with their Indorſements, in order to enable them to account with the Aſſembly of this Province or their Committees, or any other Perſons to be appointed by the Aſſembly for that Purpoſe, if any ſuch Account be required.

Power to chuſe a Clerk.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That the Truſtees appointed by this Act, are hereby impowered to chuſe and employ a fit and able Perſon to be Clerk, for whom they ſhall be anſwerable, to ſerve them in the ſaid Office, during their Pleaſure, under the like Qualifications injoined to be taken by the Clerk in the ſaid former Acts of Aſſembly, before he enter on his Office, who ſhall deliver to the Committees of Aſſembly when thereunto required, upon Oath or Affirmation, a true Liſt of all Mortgage-Deeds taken according to the Directions of the aforeſaid Acts of Aſſembly; and the ſaid Truſtees ſhall themſelves keep fair and exact Books, Tablewiſe, of all the Emiſſions of Bills of Credit by them let upon Loan, or otherwiſe iſſued out of the ſaid Office, and of the Receipts of the principal Sums, Quotas and Intereſt ariſing thereupon, and of all the Moneys to them paid in, upon all and every the Acts of Aſſembly; to which Books of Accounts, the Committees of Aſſembly, hereafter to be appointed to audit the ſaid Truſtees Accounts, ſhall have free Acceſs at all ſeaſonable Times, and ſhall further have delivered to them for the Uſe of the Aſſembly, a fair Duplicate of the ſaid Tables by the aforeſaid Truſtees, with a Liſt of the Receipts of all Moneys paid in, with the Days of Payment: And likewiſe have Acceſs to the Mortgage-Deeds and Inrolments of the ſame, with the Bonds given by the Mortgagers, to the End they may be ſatisfied that there is due Credit given to the ſaid Province for the Money or Bills of Credit paid in, and that the ſame have been let out without Delay to ſuch Perſons as ſhall have Occaſion to borrow, and that the ſaid Committees may from time to time be acquainted with the true State of the whole Tranſactions and Affairs belonging to the Loan-Office aforeſaid: And ſuch of the ſaid Truſtees herein named and appointed, as ſhall undertake and execute the ſaid Truſt, ſhall each of them have and receive like yearly Salaries during the Continuance of their reſpective Truſts, as are allowed and is directed to be paid by the aforeſaid Act, entitled, *An Act for Reprinting, Exchanging, and Re-emitting all the Bills of Credit of this Province*, &c. herein before mentioned to the Truſtees therein nominated.

Clerk to deliver a Liſt to the Committees of Aſſembly.

Who ſhall have Acceſs to the Accompts Deeds, Records &c.

Truſtees Salaries.

AND FORASMUCH as diverſe of the Bills of Credit made and iſſued in Purſuance of the Act of Aſſembly laſt mentioned, eſpecially of the ſmaller Denominations, are ſo torn and defaced, as render them unfit for Paſſing in Payments, and no Proviſion is made by Law for Exchanging them, Therefore

£.10,000 in new Bills of Credit to be printed.

BE IT FURTHER ENACTED, by the Authority aforeſaid, That Indented Bills of Credit to the Value of *Ten Thouſand Pounds* current Money of *America*, according to an Act of Parliament made in the Sixth Year of the Reign of the late Queen *Anne*, ſhall be prepared and printed on good Paper within the Space of Three Months next enſuing the Publication of this Act, under the Care and Direction of the Truſtees of the General Loan-Office herein before appointed, and at the Charge of the Province, to be defray'd out of the Intereſt Money ariſing or to ariſe upon the Loan of any Bills of Credit be formerly emitted, or to be emitted by any Truſtees of the ſaid General Loan-Office.

Number of Bills of each Sort.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That the ſaid Bills ſo to be printed, ſhall be of the ſeveral and reſpective Denominations following, and no other, *viz.*

TWENTY Thouſand of the ſame Bills, the Sum of *One Shilling* in Each of them.

TWENTY Thouſand of the ſame Bills, the Sum of *One Shilling* and *Six Pence* in Each of them.

TWENTY Thouſand of the ſame Bills, the Sum of *Two Shillings* in Each of them.

TWENTY Thouſand of the ſame Bills, the Sum of *Two Shillings* and *Six-Pence* in Each of them.

TWELVE Thouſand of the ſame Bills, the Sum of *Five Shillings* in Each of them.

AND the ſaid Bills ſhall be of the ſame Tenor and Form as the Bills by Law now Current of like Denominations reſpectively are directed and appointed to be by the Act herein before recited; the Difference of Date and Names of the Signers, with ſuch other Devices, as well for preventing of Counterfeits, as to diſtinguiſh their ſeveral Denominations, always excepted.

Under the Care of the Truſtees.

AND the ſaid Truſtees ſhall uſe the beſt of their Care, Attention and Diligence during the Printing of the ſaid Bills, that the Number and Amount thereof according to their reſpective Denominations be not exceeded, nor any clandeſtine or fraudulent Practice uſed by the ſaid Printer his Servants or Perſons concerned therein.

Signers Names

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That all and every of the ſaid Bills ſhall be ſign'd by the Perſons following, That is to ſay, *James Morris*, *Abraham Chapman* and *Peter Lloyd*, who are hereby nominated and appointed to be Signers of the ſaid Bills, and ſhall, before

fore they presume to receive or sign any of the said Bills of Credit, take an Affirmation to the Effect following, *to wit.*

That they shall well and truly sign and number all the Bills of Credit that shall come to their Hands for that Purpose, by the Directions of this Act, and no more: and the same so signed and numbered, will deliver or cause to be delivered unto the Trustees of the General Loan-Office of the Province of Pennsylvania, *pursuant to the Directions of this Act.* Their Qualification.

AND for avoiding the Danger of Embezlement or Misapplication of any of the said Bills of Credit, IT IS HEREBY FURTHER ENACTED by the Authority aforesaid, That the said Trustees after the said Bills are printed, shall deliver them to the said Signers, to be signed and numbered by Parcels, for which the said Signers or some of them, shall give their Receipt, that is to say, *One Thousand Pounds* Value in the said Bills at one Time, and so from time to time, till all the said Bills of Credit shall be numbered and signed, yet so as that the said Trustees shall not deliver any other of the said Bills to the Signers aforesaid, whilst the Sum in their Custody unexchanged exceeds *One Thousand Pounds;* of all which Bills of Credit so delivered to be signed by the Trustees, true Accounts shall be kept by the Signers, who upon their Re-delivery of each or any Parcel of the said Bills of Credit by them signed and numbered, to the said Trustees, shall take their Receipt, to charge them before any Committee of Assembly to be appointed for that Purpose. £. 1000 to be delivered to them at one Time.

AND the said Signers shall have *Fifteen Shillings* a Piece for every Thousand of the aforesaid Bills by them signed and numbered, within ten Days after the Delivery thereof to the said Trustees, to be by them paid out of the Interest Money in the said Trustees Hands. Signers Reward.

AND if any of the Persons before named to be Signers, shall happen to dye, refuse to sign, or be rendered uncapable of doing his or their Duty by this Act required, the Assembly for the Time being shall appoint some other Person or Persons in his or their Stead from time to time, until all the Bills hereby directed to be made, are wholly signed and numbered as aforesaid. Assembly to replace Signers.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That the said Trustees after the Receipt of any Parcel of the said new Bills signed and numbered as aforesaid, or some fit Person for whom they shall be accountable, shall give due Attendance at their Office on the third Day of the second Week in the Months commonly called *April*, *June*, *August*, *October*, *December*, and *February*, in every Year during their Continuance in the said Trust, and shall deliver out the same new Bills, unto such Persons as shall require them in Exchange for the torn, ragged and defaced Bills of the same Value herein before mentioned: Which said old Bills so received, shall be kept by the said Trustees for their Vouchers, to discharge them of so much of the aforesaid *Ten Thousand Pounds* Value in new Bills, as they shall have given in Exchange as aforesaid, before any Committee of Assembly to be appointed for that Purpose, who having duly examined the said old Bills so received in Exchange, shall cause the same to be burnt and destroyed in their Presence; and the said Trustees shall be paid for Exchanging each *Thousand Pounds* of the torn and defaced Bills aforesaid, *Fifty-five Shillings;* and so in Proportion for any lesser Quantity, to be defray'd out of the Interest Money aforesaid. Times of Attendance for Exchanging Bills. Trustees Reward for Exchanging.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the new Bills hereby directed to be made and signed, and issued in Pursuance of this Act, shall in all Respects have the same Currency, and be of the same Effect in Law and Equity in Respect to Payments, Tenders, and the Discharge of all Manner of Debts, Rents, Sum and Sums of Money due, payable, or accruing upon, or by Reason of any Mortgage, Bill, Bond, Specialty, Note, Accompt, Promise, or other Contract whatsoever, and to all Intents, Constructions, and Purposes as the Bills of Credit formerly emitted, and now by Law current within this Province. And that any Person or Persons who shall presume to forge or counterfeit any of the Bills of Credit to be made in Pursuance of this Act, or shall be aiding and assisting therein, or shall enlarge the Value of the Sum express'd in any of the said Bills, or shall utter or cause to be uttered or offered in Payment, any such Bill or Bills, knowing the same to be forged or counterfeited, or the Sum or Value therein altered, with an Intent to defraud any other Person, he, she, or they so offending, and being thereof legally convicted, shall for every such Offence, incur and suffer the same Pains and Penalties respectively, as Forgers or Counterfeiters of Bills are by former Acts of Assembly directed to incur and suffer; and the Discoverer or Prosecutor by Virtue of this present Act, shall be entitled to like Rewards as by the Act herein beforementioned is directed, in Respect to the Bills now Current. Bills so issued to be of the same Effect as those current. Penalty on Forging or altering the same.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That this Act shall be taken and allowed in all Courts and Places within this Province as a publick Act. And all Judges, Justices and other Persons concerned, are hereby required to take Notice thereof as such, without Pleading the same specially. Publick Act.

Pass'd. *May 26th* 1744. Recorded. *A, vol. 3, p. 131.*

CONFIRMED by the Lords Justices in Council, October 29th. 1748.

III. *An* ACT *for the speedy Trial of capital Offences, committed by any* Indian *or* Indians *in the remote Parts of the Province.* XVIII. GEO. II. A. D. 1744.

TO the End that all capital Offences which have been, or hereafter shall be committed by any *Indian* or *Indians* within the Bounds of this Province, in Places remote from Inhabitants, may receive the most speedy and impartial Trials; BE IT ENACTED by the Honourable *GEORGE THOMAS*, Esqr; with the King's Royal Approbation Lieutenant Governor, under the Honourable JOHN PENN, THOMAS PENN and RICHARD PENN, Esqrs; true and absolute Proprietaries of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent* and *Sussex*, on *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly

bly met, and by the Authority of the ſame, That all Murders, Manſlaughters, Homicides, Felonies and Offences whatſoever, and Acceſſaries of the ſame, which by the Laws or Acts of Aſſembly of this Province are declared capital, or Felonies puniſhable by Death, which already have been committed, perpetrated or done, or ſhall hereafter be committed, perpetrated or done, by any *Indian* or *Indians* within this Province, in Places remote from Inhabitants, as aforeſaid; all and every ſuch Offence and Offences, in whatſoever Place or County the ſame hath happened, or ſhall happen, ſhall henceforth be enquired of, heard, adjudged and determined, before the Juſtices of the Supream Court, or the Juſtices of the Courts of Oyer and Terminer, and General Goal Delivery, to be held in the County of *Philadelphia*, by Indictments, Inqueſts and Verdicts, to be taken of good and lawful Men, Inhabitants of the ſame County, in like Manner and Form, as if ſuch capital Offence or Offences had been committed, perpetrated or done, within the ſaid County; any Law or Uſage to the contrary thereof in any wiſe notwithſtanding.

To be tried before the Supream Court, or Court of Oyer and Terminer in the County of Philadelphia.

Paſs'd. *October the* 19*th.* 1744. Recorded. *A vol.* 3. *p.* 146.

CONFIRMED by the Lords Juſtices in Council, October the 29*th.* 1748.

XIX. GEO. II. A. D. 1745. IV. *An* ACT *for the Re-emitting and Continuing the Loan of the* Bills *of* Credit *of this Province.*

Preamble. Vol. 1. p.

WHEREAS by an Act of General Aſſembly of this Province, made in the Twelfth Year of the preſent Reign, intitled, *An Act for Re-printing, Exchanging and Re-emitting all the Bills of Credit of this Province, and for ſtriking the further Sum of* Eleven Thouſand One Hundred and Ten Pounds Five Shillings, *to be emitted upon Loan*, Bills of Credit of the Value of *Eighty Thouſand Pounds* of lawful Money of *America*, were printed and emitted, to exchange the Bills of Credit of this Province before that Time current, and to be let out upon Loan on Land Security, and again to be paid in annually, and to be ſunk and deſtroyed, according to the Directions of the ſaid Act,

AND WHEREAS it hath been found on Experience, That by the Bills ſo emitted, the Trade of this Province to and from *Great-Britain* and elſewhere, hath been much augmented, and other great Benefits have accrued to the Inhabitants, who by means of the Intereſt ariſing on the Loan of the ſaid Bills, have been enabled to ſupport the Government in an honourable Manner, to pay into the Exchequer *Two Thouſand Pounds Sterling* for the King's Uſe; *Four Thouſand Pounds* more for the like Uſe, which was applied towards victualling the Garriſon at *Louisburg*; near *Two Thouſand Pounds* more in the Purchaſe of an Iſland, and providing a Peſt-Houſe, for the Reception and Accommodation of Germans and others coming from foreign Parts to ſettle here; beſides divers other great Sums of Money, for maintaining our Alliances with the ſeveral Nations of *Indians*; mediating the Differences between them and the Governments of *Virginia* and *Maryland*, as well as ſupporting the *Indians* on divers Treaties. AND WHEREAS the Time limited for the Re-emiſſion of the ſaid Bills is near expiring, and the Time appointed for their Currency much ſhortened, ſo that the Sums hereafter to be lent out (as the Act now ſtands) muſt be paid in again in ſo ſmall a Time, and ſuch large Proportions, as muſt render the Payments difficult to be complied with, and may occaſion the Bills hereafter to be paid into the Loan-Office, to remain in the Hands of the Truſtees for want of Borrowers; and, conſequently, the Funds which were intended to be raiſed by the Intereſt of the Money ſo to be lent out, muſt not only fail, but alſo for want of the Circulation of thoſe Bills, the Merchants, Farmers and Tradeſmen, will again be involved in Difficulties which the Act aforeſaid was intended to prevent.

AND WHEREAS the King in Council hath been pleaſed to approve and confirm the Act of Aſſembly aforeſaid, whereby the Method therein provided for ſtriking and emitting the ſaid Bills of Credit, is freed from Objections, and the prolonging of the Time for the Re-emiſſions and Currency of the ſaid Bills, in like manner as in the ſaid Act is contained, is leſs liable to Exceptions, and will prevent the Inconveniencies before recited and others, as well as enable the Inhabitants to ſupport the Government for the future, and to defray the contingent Expences which frequently ariſe. THEREFORE BE IT ENACTED by the Honourable GEORGE THOMAS, Eſqr; Lieutenant Governor with the King's Approbation, under the Honourable JOHN PENN, THOMAS PENN and RICHARD PENN, Eſqrs; true and abſolute Proprietaries of the Province of *Pennſylvania*, and the Counties of *New-Caſtle*, *Kent*, and *Suſſex* on *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That the Bills of Credit made and iſſued in purſuance of the Act of Aſſembly aforeſaid, and alſo all ſuch Bills as ſhall hereafter be iſſued in Exchange for torn and ragged Bills, by virtue of an Act of Aſſembly made in the *Seventeenth* Year of the preſent Reign, ſhall be and continue, and they are hereby declared to be and continue, the current Bills of this Province during the Time herein after mentioned, for the Payment and Diſcharge of all Manner of Debts, Rents, Sum and Sums of Money whatſoever, due or payable or accruing upon, or by Reaſon of any Mortgage, Bill, Specialty, Bond, Note, Book-Account, Promiſe, or any other Contract or Cauſe whatſoever, as if the ſame were tender'd or paid in the Coins mentioned in ſuch Bond or other Writing, Book-Account, Promiſe, Aſſumption, or in any other Contract whatſoever, and at the Rates mentioned in the Act of Parliament made in the *Sixth* Year of the Reign of the late Queen *Anne*, for aſcertaining the Rates of foreign Coins in the Plantations, and ſhall be ſo received by all Perſons whatſoever.

Page 1.

Bills of Credit good Tender for Payment on all Contracts whatſoever.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That ſuch yearly Quotas or Payments, Parcel of the principal Sums emitted in Bills of Credit of this Province, purſuant to the Directions of the Acts of Aſſembly aforeſaid, and ſuch other principal Sums which by virtue thereof, or of any Mortgage-Deed or Aſſurance by the ſaid Act directed to be taken, and which are or ſhall be paid, recovered or received from time to time before the *Fifteenth* Day of *October*, which will be in the Year of our Lord, *One Thouſand, Seven Hundred and Fifty-ſix*, ſhall not be ſunk or deſtroyed; nor ſhall any Part or Parcel of any ſuch Quotas, or principal Sums in Bills of Credit, payable within the Space aforeſaid unto the Truſtees named or to be named, purſuant to the Directions of the Act aforeſaid, be ſunk or deſtroyed; otherwiſe

otherwiſe or at any other time, than is by this Act directed; nor ſhall the Truſtees, or any of them, be culpable or ſuffer any Penalty or Forfeiture for not ſinking the ſaid Bills of Credit, as directed by the ſaid Act, any thing therein contained to the contrary notwithſtanding. But the ſame yearly Quotas and principal Sums in Bills of Credit, ſo to be paid in unto, and received by the ſaid Truſtees or any of them within the Time before limited, and every Part and Parcel of the ſaid Sums, ſhall from time to time be re-emitted by the Truſtees of the General Loan-Office of the Province for the Time being, upon Loans, as is herein after mentioned and appointed; and that all the yearly Quotas or Parcels of the principal Sums ariſing from thoſe Re-emiſſions, which ſhall be paid into the ſaid General Loan-Office, on or before the *Fifteenth* Day of *October*, in the Year of our Lord, *One Thouſand Seven Hundred and Fifty Six*, ſhall by the Truſtees thereof for the time being, be re-emitted again on Securities as aforeſaid; and ſo from time to time, until all principal Monies any ways accruing, that ſhall be paid unto them on or before the ſaid *Fifteenth* Day of *October*, *One Thouſand Seven Hundred and Fifty Six*, ſhall be wholly re-emitted.

Bills made current by two former Acts when paid in, to be re-emitted upon Loan.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Truſtees of the General Loan-Office aforeſaid, ſhall lend out the Value of all the Bills of Credit that they ſhall ſo receive, to be re-emitted as before in this preſent Act directed, in Sums not exceeding *One Hundred Pounds*, nor leſs than *Twelve Pounds Ten Shillings* to any one Perſon, for and during all the Space of the *Sixteen Years*, from the *Fifteenth* of *October*, in the Year of our Lord, *One Thouſand Seven Hundred and Forty-ſix*, or from the Reſidue of that Term, from the reſpective Times of the Loans to be made by virtue of this Act, after the ſaid *Fifteenth* Day of *October*, *One Thouſand Seven Hundred and Forty Six*, upon Securities of Meſſuages, Lands, Tenements and Rents in this Province, of which the reſpective Mortgagors ſtand ſeized in Fee-ſimple clear of all Incumbrances, the Proprietaries Quit-Rents, and other Rents diſcovered to the ſaid Truſtees, iſſuing out of the ſaid Securities excepted, of which Titles and Clearneſs the Truſtees are to inform themſelves the beſt they can, by any of the Ways and Means heretofore granted and allowed, and ſhall inform themſelves as well of the clear Value of all Lands, Houſes and Ground-Rents offered in Security, ſo as to be ſatisfied, that the Lands and Ground-Rents are held in Fee-ſimple, and at leaſt of double the Value of the Sums requeſted to be lent: And as to the Houſes erected upon Ground, ſubject to the Payment of Ground-Rent, offered in Mortgage, Care ſhall be taken by the ſaid Truſtees, that there be no Rent or Quit-Rent in arrear at the Time of receiving the ſaid Mortgage, and that the Ground ſhall be near equal in value to the Sum lent, yet ſo that the Houſe and Ground be of double Value for the better Security of the Mortgage-Money: And thereupon the ſaid Truſtees, in purſuance of the Truſt committed to them, ſhall, in the Name and Stile of the Truſtees of the General Loan-Office of the Province of *Pennſylvania*, and not otherwiſe, take and receive Deeds of Mortgage in Fee-ſimple, of ſuch Meſſuages, Lands, Tenements, Rents, Hereditaments, with the Appurtenances, to ſecure the Repayment of the Sums they lend, to be made yearly on the *Fifteenth* Day of *October* by equal Payments, with the whole Intereſt thereof, at the Rate of *Five per Cent. per Annum*: and on every the aforeſaid Deeds of Mortgage, ſhall be indorſed or added an Oath or Affirmation, to be taken by the Mortgagor or Mortgagors, before ſome or one of the ſaid Truſtees, who are impowered and required to adminiſter the ſame, as by the before mentioned Act, paſſed in the *Twelfth* Year of the Reign of the preſent King, is authorized and required; which Deeds, ſhall be executed and acknowledged, and ſhall have the ſame Force and Effect in the Law as the Mortgage-Deeds taken by virtue of the Act herein before recited, or any former Acts made to like Purpoſes, and ſhall be recorded in ſuch Manner as the ſaid Acts direct.

In what Sums for what Term and on what Securities Bills of Credit ſhall be lent out.

Yearly Intereſt thereof.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the better to enable any of the Mortgagors by any former Acts of Aſſembly to the Truſtees of the General Loan-Office aforeſaid, to diſcharge their Mortgages, it ſhall and may be lawful for the ſaid Truſtees, and they are hereby required to permit the ſaid Mortgagors, or their Heirs, or ſuch other Perſon or Perſons to whom they have made over their Right of Redemption and Eſtate in the Meſſuages, Lands or Rents ſo mortgaged, to renew their Mortgages reſpectively, if they the ſaid Truſtees ſhall judge them a ſufficient Security for the Sums thereon due and in arrear, to be repaid according to the Proportions, and within the Times by this Act limited and appointed. PROVIDED ALWAYS, That where any Perſon ſhall apply to renew any Mortgage which hath been given to the ſaid Truſtees by virtue of the Act, intitled, *An Act for Re-printing, Exchanging*, &c. before mentioned, on which Mortgage the principal Sum and Intereſt due ſhall exceed *One Hundred Pounds*, every ſuch Perſon ſhall not be admitted to renew, until the Arrears ſo due, or to become due, be firſt paid and diſcharged,

Former Mortgagors may renew their Mortgages.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Mortgagor of any Meſſuages, Lands or Rents by this Act directed, his, her, or their Heirs, Executors, Adminiſtrators or Aſſigns, ſhall be minded to pay off and diſcharge ſuch Mortgage and Security at any other Time than according to the Time ſpecified in his Mortgage-Deed, it ſhall be lawful for him ſo to do before the Sale of the mortgaged Premiſſes, by paying down the whole principal Sum due and in arrear, together with Intereſt and Charges then accrued.

Liberty to pay off their Mortgages at any Time before the Sale.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all and every the Payments made, whether of principal Sums or Quotas, upon any Mortgage-Deed by this Act directed to be taken, ſhall be endorſed and entered in the ſame Manner, and be of the ſame Force and Effect for diſcharging a Part or the Whole of any of the ſaid Mortgage-Deeds, as by the ſaid recited Act is directed and appointed in reſpect to the Mortgages thereby taken; and the Truſtees ſhall receive the like Sums for Indorſements on the ſaid Mortgages and other Entries and Diſcharges, as by the Act of Aſſembly is directed and appointed, and no more.

Payments to be indorſed on the Mortgage.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That together with every of the ſaid Mortgage-Deeds to be taken in purſuance of this Act, the reſpective Mortgagor ſhall execute a Bond and Warrant of Attorney for confeſſing Judgment thereon, in like manner as by the

Mortgagors to give Bond and

Warrant of Attorney.

Act aforeſaid is directed; and on default made in the Payment of the Mortgage Monies ſo to be lent, whether of Principal or Intereſt, which the Mortgagors, their Heirs, Executors or Adminiſtrators ought to pay according to the Days of Payment aforeſaid, and as in their reſpective Deeds of Mortgage ſhall be ſpecified, it ſhall and may be lawful to and for the ſaid Truſtees for the Time being, after Two Months next after Default made as aforeſaid, to enter upon the Meſſuages, Lands, Rents and Hereditaments reſpectively in the Deeds of Mortgage ſpecified, and the ſame thereupon to ſell and convey to the beſt Purchaſer, and out of the Monies ariſing by ſuch Sale, to detain and keep the Sums thereon due unto them, with all Coſts and Charges relating thereunto, returning the Overplus (if any) to the Owners of ſuch Houſes, Lands and Hereditaments, who ſhall thereupon ſtand foreecloſed of and from all Right of redeeming the ſame.

Truſtees on Default of Payment may ſell.

To keep fair Accounts.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Truſtees of the General Loan-Office aforeſaid for the Time being ſhall keep diſtinct, fair and true Accounts, of all the Sums they receive by virtue of this and the before-mentioned Act, and of what they lend, pay or emit by virtue hereof, or by Orders of the Aſſembly, whether in part of Principal or Intereſt Monies: And, during the Continuance of the Re-emiſſions directed by this Act, ſhall have and receive for their Trouble and Service, the yearly Sum of *One hundred and Ten Pounds* each: And alſo they the ſaid Truſtees, ſhall have all the Powers and Authorities in reſpect to the Mortgages taken and Duties enjoined them by this Act, as is given by the afore-recited Act, or any other Acts of Aſſembly of this Province, touching the Mortgages taken and Duties enjoined by the ſaid Acts. And they the ſaid Truſtees ſhall be ſubject and liable to the ſame Regulations, Duties and Penalties, as in the ſaid former Act is directed, as fully as if the ſame Powers, Authorities, Duties, Penalties, and Forfeitures, were herein again repeated and enacted.

Their Salaries, Duties Powers, Penalties, &c. to be the ſame as by a former Act.

To ſettle their Accompts with the Committees of Aſſembly.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Truſtees, ſhall once in every Year or oftner, exhibit their Accompts unto the Committees of Aſſembly of this Province appointed for that Purpoſe, with whom they ſhall from time to time ſettle and adjuſt the ſame: And all the Intereſt Money by them from Time to Time received, being accounted for, and the Salaries and Charges allowed for by this Act being deducted, the Reſidue therof ſhall be diſpoſed of as the Repreſentatives of the Freemen of this Province in Aſſembly met ſhall direct and appoint. And as for and concerning all yearly Quotas and Payments in the Bills aforeſaid, (part of the principal Sums to be re-emitted upon Loans as this Act directs) which by virtue hereof, or of any Mortgage or Security heretofore taken, or to be taken, as aforeſaid, ſhall be recovered and received, and remaining in the Loan-Office on or after the *Fifteenth* Day of *October*, which will be in the Year of our Lord *One Thouſand Seven Hundred and Fifty-ſix*, the Truſtees of the General Loan-Office aforeſaid for the Time being, ſhall, from time to time, as they ſhall come to their Hands, exhibit the ſaid Bills of Credit to the aforeſaid Committees of Aſſembly who having duly examined and compared the ſame, ſhall cauſe the ſame to be burnt and deſtroyed in their Preſence.

Truſtees to chuſe a Clerk.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Truſtees for the Time being, ſhall, for the better regulating of the ſaid Office, chuſe and employ a fit and able Perſon for their Clerk during their Pleaſure, and for whom they ſhall be anſwerable, who ſhall prepare the Deeds of Mortgage, with the Mortgagors Oaths or Affirmations, Bonds, Warrants of Attorney, and Releaſe of Errors, and ſhall have and receive the following Fees, and no more, (*viz.*) for every Mortgage-Deed, recording the ſame, the Counterpart or Copy thereof, the Mortgagor's Oath or Affirmation indorſed on the Mortgage-Deed, and the Bond, Warrant of Attorney, and Releaſe of Errors, *Twenty Shillings*, and no more, to be paid by the ſaid Truſtees out of the Intereſt Money aforeſaid: And the ſaid Clerk ſhall keep true Accounts of the Names of the Perſons applying to borrow, as this Act directs, and ſhall record their Deeds of Mortgage and do all and ſingular other the ſeveral Duties Matters and Things, which by the aforeſaid Act of Aſſembly for Reprinting, Exchanging and Re-emitting the Bills of Credit is enjoined and directed.

His Fees & Duty.

Bills of Credit ſhall be taken by the Receiver General.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Bills of Credit the Currency whereof is continued by this Act, ſhall at all times during their Re-emiſſion as aforeſaid, (that is to ſay) until the *Fifteenth* Day of *October*, which will be in the Year *One Thouſand Seven Hundred and Fifty Six*, be accepted and taken by the Receiver General for the Time being, in diſcharge of ſuch Quit-Rents as are now due or ſhall become due, to the Proprietors aforeſaid, on Grants of Lands or Lots, which were made before the Year *One Thouſand Seven Hundred and Thirty two*, in like manner as is provided by the Act of Aſſembly, intitled, *An Act for the more effectual Preſerving the Credit of our Paper Money, &c.* paſt in the Twelfth Year of the preſent Reign: And in Conſideration of the Premiſſes, the Allowance of *One hundred and thirty Pounds* yearly, provided by the laſt mentioned Act, ſhall be continued, and yearly paid as the ſaid Act directs, during the Re-emiſſion of the Bills of Credit aforeſaid (that is to ſay) until the aforeſaid *Fifteenth* Day of *October*, in the Year *One Thouſand Seven Hundred and Fifty Six*.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforeſaid, That nothing in this Act contained, ſhall be taken or underſtood to continue the preſent Truſtees of the Loan-Office aforeſaid, in the Exerciſe of the ſaid Truſt, for any longer Time than is provided by the Act of Aſſembly, intitled, *An Act for the new Appointment of Truſtees of the General Loan Office of* Pennſylvania, *&c.* made in the *Seventeenth* Year of the preſent Reign; but that at the Expiration of the Time mentioned in the ſaid Act, a new Nomination and Appointment ſhall be made of Truſtees, to execute the Powers and Authorities in this Act, as in and by the ſaid former Act of Aſſembly is directed.

PROVIDED

PROVIDED ALSO, That the *One Hundred and Ten Pounds* per Annum, herein before given to each of the Truſtees of the General Loan-Office for the Time being, during the Exerciſe of their reſpective Truſts, ſhall be taken and underſtood to be the whole Salary to become due to them, for the Services required of them, by the ſeveral Acts of Aſſembly of this Province, during the Re-emiſſion of the Bills of Credit aforeſaid, and from and after that Time, the ſame Sum yearly as in and by the Act of General Aſſembly aforeſaid, intitled, *An Act for Re-printing, Exchanging and Re-emitting, all the Bills of Credit of this Province, &c.* is provided, and no more.

Paſs'd, *March 7th* 1745, Recorded. A vol. 3. p. 166.

CONFIRMED *by the Lords Juſtices in Council October 29th* 1748.

V. *An* ACT *for amending the ſeveral Acts for Electing Members of Aſſembly.*

WHEREAS notwithſtanding the juſt and impartial Method preſcribed for electing of Members of Aſſembly by the Charter of Privileges, granted by the Honourable *William Penn*, Eſq; late Proprietor and Governor in Chief of the Province of *Pennſylvania*, and Counties of *New-Caſtle*, *Kent*, and *Suſſex*, upon *Delaware*, to the Inhabitants thereof, and of the ſeveral Acts of Aſſembly of the ſaid Province, made in Purſuance of the ſaid Charter, for the more free, impartial and peaceable Election of Members to ſerve in the General Aſſembly of the ſaid Province, and of Sheriffs, Coroners, Commiſſioners, Aſſeſſors, and of Inſpectors to aſſiſt in the ſaid Election; it was nevertheleſs found upon Experience, that the Method formerly preſcribed by the Laws of this Province for chuſing Inſpectors to aſſiſt the Sheriff and for receiving the Poll or Votes at the ſaid Elections, did not anſwer the good Purpoſes for which it was intended, but great Numbers of diſorderly Perſons, many of whom not being qualified to vote for Members of Aſſembly, mixed themſelves among the Electors at the Time of chuſing Inſpectors, and by their rude and diſorderly Behaviour diſturbed the Electors and created Strifes and Quarrels, to the great Danger and Diſquiet of the peaceable People there met together, and in Delay of the ſaid Elections. AND WHEREAS it often happened, that the ſaid Inſpectors were choſen moſt or all of them out of one Part of the County, and by reaſon thereof could not be ſo well acquainted with the Eſtates and Circumſtances of all the Electors, which was the principal End of their firſt Appointement. Preamble.

FOR remedying of which Inconveniencies, an Act of General Aſſembly of this Province was paſs'd in the *Twelfth* Year of the preſent Reign, intitled, *A Supplement to the Act for electing Members of Aſſembly*, and alſo one other Act was paſt in the *Sixteenth* Year of the ſame Reign, intitled, *An Act for continuing and amending the Act of Aſſembly* laſt aforeſaid; which Acts, with ſome Amendments, are thought neceſſary to be perpetuated.

THEREFORE BE IT ENACTED, by the Honourable *GEORGE THOMAS, Eſq;* with the King's Royal Approbation, Lieutenant Governor, under the Honourable *JOHN PENN, THOMAS PENN,* and *RICHARD PENN, Eſqrs*; true and abſolute Proprietors of the Province of *Pennſylvania*, and the Counties of *New-Caſtle*, *Kent*, and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That the Eight ſeveral Diſtricts into which the ſeveral Counties within this Province have been divided by the Juſtices of the ſaid Counties, in Purſuance of the Acts of Aſſembly aforeſaid, do, and ſhall continue, and they are hereby declared to be and ſhall continue unalterable, except in ſuch Caſes as are herein after provided, for the Purpoſes herein after mentioned: And that if any new Townſhips ſince the paſſing of the Acts aforeſaid, have been, or ſhall be erected out of ſeveral Diſtricts within any of the ſaid Counties, That it ſhall and may be lawful for the Juſtices aforeſaid reſpectively, at their Quarter Seſſions of the Peace next after the Publication of this Act, and at the Quarter Seſſions of the Peace next following the erecting ſuch Townſhips, and they are hereby enjoined and required, to annex ſuch Townſhip or Townſhips to the Diſtrict or Diſtricts out of which the greateſt Part of the ſaid Townſhips reſpectively were taken, and to deliver to the Sheriff of the reſpective Counties an Account to what Diſtrict the ſame Townſhip or Townſhips are annexed, with the Names of all the new-erected Townſhips, all which the ſaid Sheriff ſhall make known to the reſpective Conſtables of the ſaid Townſhips with all Expedition, thereby to enable them to diſcharge their ſeveral Truſts, in Purſuance of the Directions of this Act.

The eight Diſtricts of each County to continue unalterable.

New Townſhips to be annexed to one of them Diſtricts.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Freeholders and others qualified to elect Members of Aſſembly in each Townſhip, ſhall meet on the *Twenty Seventh* Day of *September* yearly, but if the ſame ſhall happen upon a firſt Day of the Week, then upon the Day before, at ſome convenient Place within their ſaid reſpective Townſhips, to be appointed by the Conſtable of the ſaid Townſhip, or in caſe of his Abſence, Neglect or Refuſal, then at ſuch convenient Place within ſuch Townſhip as the Overſeers of the Poor ſhall appoint; and the ſaid Electors being qualified to vote for Members of Aſſembly, ſhall, between the Hours of Nine in the Forenoon and Three in the Afternoon the ſame Day, during all which Time the Election ſhall continue, in the Preſence of the Conſtable and ſuch two Freeholders as he ſhall call to his Aſſiſtance, or, in caſe of his Abſence, Neglect or Refuſal, the Overſeer of the Poor, proceed to elect by Balloting one able and diſcreet Freeholder, reſiding within the ſaid Townſhip, who may be ſuppoſed to be beſt acquainted with the Eſtates and Circumſtances of the Inhabitants; the Name of which Perſon ſo nominated and choſen, is to be taken down in Writing, by the Conſtable, or Overſeer of the Poor, as the Caſe ſhall happen, with the Name of the Townſhip for which he is choſen, and ſhall be delivered to the Sheriff of the County at the Place of Election, or to ſuch Perſon or Perſons as ſhall happen to be Judges of the Election, before the Hour of Nine in the Forenoon of the Day whereupon the Election of Members of Aſſembly ſhall happen; and the Sheriff, or other Judge of the Election, having then and there received the Names of all the Perſons choſen for the reſpective Townſhips within his County, or ſo many of them as ſhall be delivered to him

Time, Place and Method of chuſing Inſpectors of the Elections in the County.

him, in manner aforesaid, he shall call to his Assistance at least four Freeholders of the County, and in their Presence shall put all the Names of the Persons returned for each District, wrote on several Pieces of Paper to be cut and folded up after the usual Manner of folding Tickets, as near as may be of equal Size and Bigness, into a separate Box to be provided by him for that Purpose, and shall likewise in the Presence of the said Freeholders, call some indifferent Person, who shall draw one Name out of each Box, and deliver the same to the Sheriff or other Judge of the Election; which being done, the Persons whose Names shall happen to be drawn, and being present, shall for that Year be the Inspectors of the Election, and as such shall be publish'd by the Sheriff in the Presence of the Electors, or so many of them as shall be present.

Time, Place and Method of chusing Inspectors of the Election for the City and County of Philadelphia.

AND BE IT ENACTED by the Authority aforesaid, That it shall and may be lawful for the Inhabitants of the respective Wards of the City of *Philadelphia*, qualified to vote for Members of Assembly, to meet together at the Time herein before mentioned for the Meeting of the Inhabitants of the respective Townships in this Province, and at some convenient Place within their respective Wards, to be appointed by the Constable of the Ward to which he belongs, of which publick Notice shall be given in Writing, by affixing the same upon four of the most publick Places within each of the said Wards of the City of *Philadelphia* aforesaid, at least six Days before the said *Twenty Seventh* Day of *September*, and there shall, in the Presence of the Constable of the Ward, and such two Freeholders of the said Ward as he shall call to his Assistance, proceed to chuse by Balloting one substantial Freeholder of Ability and Integrity residing within the said Ward, whose Name when so chosen shall be taken in Writing, and certified by the Constable and Freeholders aforesaid, to the Sheriff of the County or other Judge of the said Election, in the Manner before directed for the Constables of Townships; and the Sheriff shall put the Names of all the Persons so to him returned, wrote upon several Pieces of Paper, to be cut and folded up after the usual Manner of folding Tickets, as near as may be of equal Size and Bigness, into a Box and shall call some indifferent Person who shall draw, four of the said Names out of the said Box, and deliver the same to the Sheriff, who shall read the same publickly in the Presence of the Electors then present; and the four Persons whose Names shall so happen to be drawn, shall, together with the Inspectors chosen out of the several Districts of the said County, be the Inspectors for that Year for the Election, and as such shall be qualified in the Manner before directed for other Inspectors; and the other six Persons whose Names shall remain in the Box, or any four of them, shall be the Inspectors for that Year at the Election of Burgesses and Assessors for the City of *Philadelphia*, and shall be qualified in Manner aforesaid: But before they proceed to act in assisting the Sheriff to receive the Poll or Votes of the said Electors, they shall be qualified by Oath or Affirmation by the Sheriff of the proper County, or other Judges of the Elections, who are hereby required and impowered to administer the same; that they the said Inspectors will duly attend the ensuing Election during the Continuance thereof, and will truly and faithfully assist the Sheriff, Coroners or other Judges of the said Election, to prevent all Frauds and Deceits whatsoever of Electors or others in carrying on the same, and in causing the Poll or Votes at such Election to be taken and cast up according to the Direction of the before recited Act: And the said Inspectors shall and are hereby authorized to administer to every Elector or Person who presents his Ticket, an Oath or Affirmation in the Words directed by the aforesaid Act of Assembly, unless the Qualification of such Elector be generally well known, or some one or more of the said Inspectors shall and will openly declare to the rest, that they know such Elector to be qualified as in the aforesaid Act of Assembly is required; and the Votes or Tickets of such as offer to poll and refuse to take the said Oath or Affirmation, shall be openly rejected, and the Votes, or Tickets of every Person who takes the said Oath or Affirmation, shall, with the other lawful Tickets or Votes, be put into the Box, and no Ticket so received shall be suppress'd.

Inspectors to be qualified.

And may qualify Electors.

See 4 Annæ.

The Votes of Electors refusing to be qualified rejected.

Constables to give publick Notice.

AND to the End this Act may be duly executed and the Peace preserved; BE IT THEREFORE ENACTED by the Authority aforesaid, That the Constables of the respective Townships within the several Counties of this Province, or in case of the Death, Neglect or Absence of the said Constables, then the Overseers of the Poor of such Township or one of them, shall at least Six Days before the said *Twenty Seventh* Day of *September* in every Year, give publick Notice in Writing, by affixing the same at the most publick Places in the respective Townships, of the Place where the Inhabitants of the Township in which they live shall meet, to elect a fit Person according to the Direction of this Act; and that the said Constable, or in his Absence the Overseer of the Poor as aforesaid, shall there attend at the Time appointed in this Act; and such Constable or Overseer of the Poor, shall call to his Assistance two substantial Freeholders of the said Township being there present, who shall assist him in judging of the said Election and in taking the Votes, and who, together with himself, shall certify to the Sheriff of the County or other Judge of the Election under their Hands, that such Person was elected by a Majority of lawful Votes, by the Township to which he belongs; the Name of which Person so elected as aforesaid, shall be delivered to the Sheriff or other Judge or Judges of the Election of the County to which they belong, in the Manner herein before directed.

Two Freeholders to assist the Constable.

Penalty of Sheriffs &c. neglecting &c.

AND if any Sheriff or Coroner, Constable or Overseer of the Poor being the Judge of such Election as aforesaid shall neglect to do the Duty hereby enjoined them respectively or shall wilfully misbehave himself or themselves in the Execution of his or their Duty, and be thereof legally convict, such Person so offending, if Sheriff or Coroner, shall forfeit the Sum of *One Hundred Pounds*, and if a Constable or Overseer of the Poor, shall forfeit *Five Pounds*, to any Person who will sue for the same.

Of Inspectors.

AND if any of the Persons elected as aforesaid, and returned for any Township within this Province, or for any of the Wards of the City of *Philadelphia*, in the Manner before directed, shall neglect or refuse to give his Attendance at the Time and Place of electing Members of Assembly, every such Person so offending shall likewise forfeit the Sum of *Five Pounds* to any Person who will sue for the same, The said several Forfeitures to be recovered by Action of Debt in any Court of Record within this Province, with Costs of Suit.

AND

AND if the Perſon whoſe Name ſhall happen to be drawn, being called ſhall not appear, then the Name of another Perſon belonging to the ſame Diſtrict ſhall be drawn, and ſhall be qualified and proceed to officiate as an Inſpector, in the Manner before directed in this Act for Inſpectors.

AND BE IT ENACTED by the Authority aforeſaid, That an Act of the General Aſſembly of this Province, intitled, *A ſupplementary Act to the Act for aſcertaining the Number of Members of Aſſembly, and to regulate Elections*, paſſed in the *Thirteenth* Year of the Reign of King *George* the Firſt, and every Article and Clauſe therein, ſhall be, and is hereby repealed. Repeal of a former Act.

PROVIDED ALWAYS, That nothing herein contained ſhall be deemed or taken to alter or make void the Act of General Aſſembly made in the *Fourth* Year of the Reign of the late Queen *Anne*, or any Thing therein contained: but that every Clauſe, Article and Sentence therein, except what is hereby altered or ſupplied, ſhall be and remain in full Force and Virtue, as the ſame was before the Making of this Act, or the aforeſaid ſupplementary Act hereby repealed.

Paſs'd *March 7th*, 1745. Recorded A Vol. 3. p. 177.
CONFIRMED by the Lords Juſtices in Council, October 29th, 1748.

VI. *An* ACT *for the more eaſy and ſpeedy Recovery of ſmall Debts.*

WHEREAS it is found by Experience, that a great Number of the Law-Suits which are commenced in this Province, are brought againſt the poorer Sort of People, for ſmall Sums of Money, who are unable to bear the Expences ariſing by the common Method of Proſecution; Therefore for Remedying thereof, BE IT ENACTED by the Honourable *GEORGE THOMAS*, Eſq; with the King's Royal Approbation, Lieutenant Governor, under the Honourable JOHN PENN, THOMAS PENN and RICHARD PENN, *Eſqrs;* true and abſolute Proprietors of the Province of *Pennſylvania*, and of the Counties of *New-Caſtle*, *Kent* and *Suſſex*, on *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame. That all Actions for Debt, or other Demand, for the Value of *Forty Shillings* and upwards, and not exceeding *Five Pounds* (except ſuch Actions as are herein after excepted) ſhall, immediately after the Publication of this Act, be, and are hereby made cognizable, before any Juſtice of the Peace of any of the Counties in this Province, in the County in which the Defendant ſhall be or reſide; and the ſaid Juſtices are hereby reſpectively impowered and required, upon Complaint to either of them made, for any ſuch Debt, or Demand, to iſſue a Warrant, in the Nature of a Summons or Capias, as the Caſe may require, directed to the Conſtable of the Townſhip or Diſtrict where the Defendant dwells or can be found, or to ſome other Conſtable near to him, commanding ſuch Conſtable to bring, or cauſe ſuch Defendant to appear before the ſaid Juſtice at the Time and in the Manner following, *That is to ſay*, In Caſes where ſuch Proceſs ſhall be in the Nature of a Capias, forthwith after the Service thereof, but where a Summons ſhall be iſſued, then on ſome certain Day therein to be expreſſed, not leſs than Five, nor exceeding Eight Days from the Date of ſuch Proceſs; and at the Time appointed for the Hearing of any ſuch Cauſe, the ſaid Juſtice, having heard and examined the Parties with their Proofs and Allegations, ſhall give Judgment thereupon, as the true Merits and Right of the Cauſe ſhall appear to him; Or, at the Requeſt of the Parties, Auditors, or Referees ſhall be named by them, and being approved of by the Juſtice, ſhall proceed to hear and examine the Proofs and Allegations of the Plaintiff and Defendant, and upon the Return of ſuch Auditors, the ſaid Juſtice ſhall give Judgment thereupon, accordingly, with ſuch Coſts only in either Caſe, as by the Laws of this Province are allowed in Debts under *Forty Shillings*.

Preamble

Actions for Debt from 40 Shillings to 5 Pound cognizable before any Juſtice

Proceſs thereof

PROVIDED ALWAYS, That the Proceſs againſt a Freeholder ſhall be by Summons only, and Service ſhall be made thereof on the Perſon, or a Copy thereof left at the Houſe of the Defendant, in the Preſence of one or more of his Family or Neighbours, at leaſt Four Days before the Time appointed for a Hearing; and in caſe the Defendant does not appear at the Time appointed, then on Oath or Affirmation made by the Conſtable, that the ſaid Summons was duly ſerved in manner aforeſaid, the Juſtice who granted the ſame Summons, may, either then, or on ſuch further Day as he ſhall deem conſiſtent with Reaſon and the Nature of the Caſe to appoint, and not otherwiſe, proceed to hear and determine ſuch Cauſe or Cauſes in the Defendant's Abſence, and give Judgment and award Execution thereupon, as if the Defendant had been perſonally preſent.

againſt Freeholders to be by Summons only

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That after Judgment given in any of the Caſes aforeſaid, the Juſtice who pronounced the ſame ſhall grant Execution thereupon, directed to the Conſtable aforeſaid, commanding him to levy the Debt or Damages and Coſts, of the Defendant's Goods and Chattels (who by virtue thereof, ſhall, within the Space of Ten Days next following, expoſe the ſame to Sale by publick Vendue, returning the Overplus, if any be, to the Defendant) and for Want of ſufficient Diſtreſs, to take the Body of ſuch Defendant into Cuſtody, and him or her to carry and convey to the common Goal of the County; and the Sheriff or Keeper of ſuch Goal, is hereby required to receive the Perſon or Perſons ſo taken in Execution, and him, her, or them ſafely to keep, until the Sum recovered, with Coſts, be fully paid, and in Default of ſuch ſafe Keeping, to be liable to anſwer the Damages to the Party grieved, in ſuch manner as by Law is provided in Caſe of Eſcapes; but in caſe no Aſſets belonging to the Defendant, ſufficient to pay the Debt and Coſts, can be found, it ſhall and may be lawful for the Plaintiff to apply to the Juſtice who pronounced the Judgment for a Tranſcript thereof, and on filing the ſame in the Prothonotary's Office, of the Court of Common Pleas in that County in which the Recovery ſhall be had, it ſhall and may be lawful for the Plaintiff, to levy the Sum recovered, with Coſts of Suit, on the Lands and Tenements of the Defendant, either by *Fieri Facias*, *Venditioni Exponas* or *Extent*, as the Caſe may require, in like Manner as by Law is provided in other Caſes.

After Judgment Execution to be granted on Goods, Chattels, Body,

and Lands of the Defendant

against Freeholders not less than 3 Months after Judgment

PROVIDED ALWAYS, That no ſuch Execution ſhall be iſſued againſt any Freeholder, in leſs than the Space of Three Months next after the Entry of ſuch Judgment, unleſs the Plaintiff, or ſomebody for him, or her, ſhall, on Oath or Affirmation declare, that he or ſhe hath good Reaſon to believe, that the Debt will by ſuch Delay be loſt, for that at the End of the ſaid Term, or before it (he or ſhe believes) the Defendant will not have ſufficient Aſſets in the County, on which the ſaid Debt may be levied; and if any Judgment to be given as aforeſaid, ſhall be againſt a Perſon not a Freeholder, ſuch Perſon ſhall have the Execution againſt him or her reſpited for like Term of Three Months, on his or her entring into Recognizance to the Plaintiff, with one ſufficient Security in the Nature of ſpecial Bail, on Condition to deliver the Body of the Defendant to the Sheriff of the County, at, or any Time before the Expiration of the Time ſo to be allowed, or that the Money adjudged to be due ſhall then be paid; and in Default of giving ſuch Security, ſhall be committed to the common Goal of the County, there to remain until the Debt and Coſts ſhall be paid, or ſuch Defendant otherwiſe legally diſcharged.

and ſo againſt others on giving Security

PROVIDED ALSO, That where the Plaintiff in any Caſe ſhall become Nonſuit, or Judgment ſhall paſs againſt him, then the Juſtice is hereby required to aſſeſs the Defendant his reaſonable Coſts, to be levied in Manner aforeſaid.

Relief for inſolvent Debtors

PROVIDED ALSO, That it ſhall and may be lawful for the Juſtices of the reſpective Courts of Common Pleas, to give ſuch Relief to any inſolvent Debtor or Debtors proſecuted in Purſuance of this Act, as they might have done by the Laws now in Force, in caſe this Act had not been made.

Appeal within Six Days after Judgment allowed

PROVIDED ALSO, That if any Perſon or Perſons, ſhall conceive him, her or themſelves aggrieved by any ſuch Judgment ſo to be given (Caſes determined on the Return of Auditors or Referrees, as aforeſaid, only excepted) it ſhall and may be lawful for ſuch Perſon or Perſons, at any Time within the Space of ſix Days next following the giving of ſuch Judgment, but not after, to appeal therefrom to the next Court of Common-Pleas to be holden for the County in which ſuch Suit ſhall be commenced, he, ſhe or they firſt entring into Recognizance, with at leaſt one ſufficient Security, at leaſt in double Value of the Debt or Damages ſued for, and ſufficient to anſwer all Coſts, to proſecute the ſaid Appeal with Effect, and to abide the Order of the ſaid Court, or in Default thereof to be ſent by Mittimus to the Sheriff of the County, by him to be kept, until he, ſhe or they ſhall give ſuch Security, or be otherwiſe legally diſcharged.

Juſtices to keep Books for entring Judgment,

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Juſtices ſhall cauſe fair Entries to be made, in Books by them to be provided for that Purpoſe, of the Name of the Plaintiff and Defendant, in all ſuch Caſes as may come before them, with the Debt and Coſts adjudged, and the Time when the ſame Judgment was given; and upon any Appeal made from any ſuch Judgment, the Juſtice who pronounced the ſame, ſhall ſend a Tranſcript thereof to the Prothonotary of the Court of Common-Pleas of the County in which ſuch Appeal is made, on or before the firſt Day of the Term next following any ſuch Appeal, for which Tranſcript, or any other obtained by virtue of this Act, the Juſtice ſhall be allowed in the Coſts to be taxed, *Eighteen Pence*, and no more.

Method of Proceeding in Court upon Appeal

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That at the Court to which any ſuch Appeal ſhall be made, the Perſon ſo appealing ſhall cauſe an Entry of his Suit to be made by the Prothonotary of ſuch Court, and ſhall either have his Appearance entered, or give Bail to the Action, as the Nature of the Caſe may require; or on Neglect thereof, and Application of the Appellee to the Court for that End, the Appellant's Default ſhall be recorded, the firſt Judgment affirmed with reaſonable Coſts, and Execution ſhall be iſſued out of the ſaid Court againſt the Defendant's Body, Goods or Chattels, as is uſual in other Caſes; and in caſe the Defendant ſhall appeal or give Bail as aforeſaid, the Plaintiff or Defendant in the Appeal (as the Caſe may require) ſhall file his or her Declaration, and the adverſe Party plead to Iſſue in ſuch Time as ſhall be directed by the Court, ſo always that the Cauſe be tried by a Jury of the Country, in the uſual Manner, either the Court to which ſuch Appeal is made, or the next Term at fartheſt (unleſs the Court, on Cauſe to them ſhewn, ſhall think fit to give the Parties a farther Day) and as the Verdict ſhall be rendred in any of the ſaid Cauſes, the Court ſhall give Judgment thereupon as the Nature of the Caſe may require, with Coſts of Suit.

PROVIDED ALWAYS, That if the Parties Appellant and Appellee ſhall neglect or refuſe to file his or her Declaration, or to plead to Iſſue in ſuch Time as ſhall be directed by the Court, a Nonſuit or Judgement by Default may be entred for want thereof as uſual.

Coſts to be but two thirds

PROVIDED ALSO, That the Coſts to be taxed in any ſuch Suit, to the ſeveral Officers and others concerned, for the Services by them reſpecrively to be done, ſhall be two third Parts only of the Coſts now uſually taken in the ſaid Courts of Common-Pleas.

PROVIDED ALSO, That none of the Juſtices, who, by virtue of this Act, ſhall hear and determine any of the Cauſes aforeſaid out of Court, ſhall afterwards ſit on the Hearing and Determining the ſame Cauſe on an Appeal made to any of the Courts of Common Pleas aforeſaid.

Penalty on commencing Suits made cognizable by this Act in any other manner

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon or Perſons whoſoever, ſhall commence, ſue or proſecute any Suit or Suits, for any Debts or Demands, made cognizable as aforeſaid, in other Manner than is directed by this Act, and ſhall obtain a Verdict or Judgement therein for Debt or Damages, which, without Coſts of Suit, ſhall not amount to more than *Five Pounds* (not having cauſed an Oath or Affirmation to be made before the obtaining of the Writ of Summons or Capias, and filed the ſame in the Prothonotary's Office reſpectively, that he, ſhe or they ſo making Oath or Affirmation, did truly believe the Debt due or Damage ſuſtained, exceeded the Sum,

of

of *Five Pounds*) he, ſhe or they, ſo proſecuting, ſhall not recover any Coſts in ſuch Suit, any Law, Uſage or Cuſtom, to the contrary notwithſtanding.

PROVIDED ALSO, That this Act, nor any Thing herein contained, ſhall be deemed, conſtrued, or underſtood to extend to Actions of Debt for Rent, Debt upon Bonds for Performance of Covenants, to Actions of Covenant, to Actions of Replevin, or upon any real Contract, nor to Actions of Treſpaſs on the Caſe for Trover and Converſion, or Slander, nor to Actions of Treſpaſs for Aſſault and Battery, or Impriſonment, nor to ſuch Actions where the Title of Lands ſhall anywiſe come in Queſtion. Actions not cognizable by this Act.

Paſs'd, *March 7th*, 1745. Recorded, A vol. 3. p. 166

CONFIRMED *by the Lords Juſtices in Council October 29th* 1748.

VII. *A Supplement to the* ACT, *intitled*, An Act for Erecting Houſes of Correction and Work-Houſes in the reſpective Counties; *and to the* ACT, *intitled*, An Act to enable *Jeremiah Langhorne*, &c. to build a Court-Houſe in the County of *Bucks*.

WHEREAS by an Act of General Aſſembly of this Province, intitled, *An Act for Erecting Houſes of Correction, and Work-Houſes in the reſpective Counties*, made in the Fourth Year of the Reign of King *George* the Firſt, it was amongſt other Things enacted, *That a Houſe of Correction or Work-Houſe, ſhould be built at* Briſtol, *in the County of* Bucks, within the Time therein limited, which is long ſince expired, and no Houſe of Correction or Work-Houſe, hath hitherto been built for the Uſe of the ſaid County. Preamble.

AND WHEREAS by another Act of Aſſembly intitled, *An Act to enable* Jeremiah Langhorne, William Biles, Joſeph Kirkbride, *jun.* Thomas Watſon *Practitioner in Phyſick, and* Abraham Chapman, *to build a new Court-Houſe and Priſon in the ſaid County of Bucks*, made in the Eleventh Year of the Reign laſt aforeſaid, it was amongſt other Things Enacted, *That it ſhould, and might be lawful for them the ſaid* Jeremiah Langhorne, William Biles, Joſeph Kirkbride, Thomas Watſon *and* Abraham Chapman, *or any three of them, to purchaſe and take Aſſurance to them and to their Heirs, of a Piece of Land ſituate in ſome convenient Place in* Newtown, *in the ſaid County, in Truſt for the Uſe of the ſaid County, and to erect a Court-Houſe and Priſon thereon, ſufficient to accomodate the publick Service of the ſaid County.*

AND WHEREAS, in Purſuance of the Act laſt mentioned, the ſaid Truſtees have purchaſed a Piece of Land, ſituate in *Newtown* aforeſaid, containing about Five Acres, and taken an Aſſurance thereof to them and their Heirs for ever, IN TRUST for the Uſe of the ſaid County, and alſo cauſed a Court-Houſe and Priſon to be built on the Premiſſes for the Uſe aforeſaid; which Priſon, on Experience, having been found too ſmall for the Purpoſe aforeſaid, divers Aſſeſſments were made and Rates levyed on the Inhabitants of the ſaid County, and therewith a more commodious Priſon hath ſince been built on the ſaid Ground, ſufficient for the publick Uſe of the County aforeſaid, and the Priſon firſt built is no longer neceſſary for the Purpoſe for which it was erected, and may, until further Proviſion be made, be fitly uſed as a Work-Houſe, and Houſe of Correction for the ſaid County.

AND WHEREAS, Three of the ſaid Truſtees, ſince the Making of the Act laſt mentioned, *to wit, Jermiah Langhorne, William Biles* and *Thomas Watſon*, are dead, and it is fitting other Truſtees ſhould be named in their Places.

AND WHEREAS, divers Parts of the ſaid five Acres of Land, purchaſed for the Uſe of the ſaid County, have been granted in Fee-ſimple on yearly Rents, payable to them the ſaid Truſtees for the Uſe of the ſaid County, and other Parts thereof remain unincloſed, of little Uſe to the ſaid County, which might alſo be granted at conſiderable yearly Rents, and the publick Charges of the County be thereby leſſened. But foraſmuch as Doubts may ariſe concerning the Power of the ſaid Truſtees to grant the ſame, and whether the old Priſon can be applied to the Uſe aforeſaid: Therefore for avoiding theſe Doubts, BE IT ENACTED, by the Honourable *GEORGE THOMAS, Eſq*; with the King's Royal Approbation, Lieutenant Governor, under the Honourable JOHN PENN, THOMAS PENN and RICHARD PENN, *Eſqrs*; true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *New-Caſtle, Kent* and *Suſſex* upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That the aforeſaid *Joſeph Kirkbride* and *Abraham Chapman*, with *Mark Watſon, Mahlon Kirkbride* and *John Watſon*, jun. of *Buckingham*, and ſuch other Perſon and Perſons as ſhall hereafter be named in Purſuance of this Act, do ſtand ſeized, and they are hereby declared to ſtand ſeized of the five Acres of Land aforeſaid, to hold to them and to their Succeſſors for ever, in Truſt nevertheleſs for the Uſe of the ſaid County, and to ſuch Uſes, Intents and Purpoſes as are herein after mentioned, and to no other Uſe whatſoever, (that is to ſay) That as to ſo much of the five Acres of Ground aforeſaid, as hath already been granted in Fee-ſimple, at a yearly Rent for ever, That they the ſaid Truſtees, or the Survivors and Survivor of them, do grant and confirm the ſame, to the Perſons to whom it was ſo granted, and to their Heirs and Aſſigns reſpectively for ever; and as to ſo much more of the ſaid five Acres of Ground as can be ſpared without incommoding the Court Houſe, and other publick Buildings thereon erected, or to be erected, for the Uſe of the ſaid County, on this further Truſt, that they the ſaid Truſtees, or any Three of them, ſhall and will grant, bargain and ſell the ſame, to ſuch Perſon and Perſons, as are, or ſhall be willing to purchaſe the ſame, and to his, her, and their Heirs and Aſſigns reſpectively, for ever, reſerving always out of every Part and Parcel thereof which ſhall ſo be granted, the beſt yearly Rent that can

Creation of Truſt and appointment of Truſtees

Their Power to confirm former Grants

and to grant what more can be ſpar'd

can be had and obtained for theſame, payable to them the ſaid Truſtees and their Succeſſors in the ſaid Truſt, for the publick Uſe of the ſaid County for ever.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That it ſhall, and may be lawful for the ſaid Truſtees, and to, and for their Succeſſors in the ſame Truſt, to receive the Rents which are, or ſhall be reſerved, as aforeſaid, as the ſame ſhall from time to time become due; and the ſaid Truſtees, ſhall, once in every Year, account with, and pay the ſame to the Treaſurer of the County aforeſaid, for the publick Uſe of the ſaid County and the ſaid Treaſurer ſhall give his Receipts for the Money from time to time ſo paid him, which ſhall be ſufficient Diſcharges to them the ſaid Truſtees, their Heirs, Executors and Adminiſtrators, for ever; but if it ſo happen, that any Perſon or Perſons, who have accepted or taken, or may accept and take Grants of any Part or Parcels of the Ground aforeſaid, ſhall neglect to make Payment of the Rent reſerved, when the ſame ſhall become due, that then, and ſo often, and in every ſuch Caſe, it ſhall be lawful for the ſaid Truſtees, and the Survivors and Survivor of them, and for their Succeſſors, appointed by virtue of this Act, to diſtrain, from time to time, or to bring Actions of Debt, for the Rent which ſhall be in Arrear, in any Court of Record in the ſaid County, and to recover the ſame with Coſts of Suit.

rly account with the County Treaſurer

May recover Rent due by Diſtreſs or Action of Debt

Truſtees dying &c. to be replaced by the County Commiſſioners

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That when and ſo often as any of the ſaid Truſtees ſhall die, or become incapable of performing the Truſt, it ſhall and may be lawful for the Commiſſioners of the ſaid County, choſen by virtue of an Act of the General Aſſembly of this Province, intitled, *An Act for raiſing County Rates, and Levies*, paſt in the Eleventh Year of the Reign of King *George* the Firſt, and to and for any two of them, to appoint others in the Stead of the Truſtees ſo dying or being diſabled; which Truſtees, when appointed, ſhall have the ſame Powers and Authorities, to all Intents and Purpoſes, as the Truſtees named and appointed by this Act.

The old Priſon declared to be a Work-Houſe.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Priſon firſt built as aforeſaid, ſhall be, and the ſame is hereby declared to be, a Houſe of Correction and Work-Houſe for the ſaid County, and as ſuch, with the Priſon-Yard adjoining, ſhall be ſubject to the ſame Regulations, and ſhall, and may be uſed, occupied and employed, to all Intents and Purpoſes deſigned by the Act for erecting of Houſes of Correction and Work-Houſes in the reſpective Counties before-mentioned, as amply as if the ſame had been built for the Purpoſe, at the Place, and within the Time limitted by the ſaid Act, until ſuch Time as a new and more commodious Houſe ſhall be built for the ſame Purpoſes.

Paſs'd, *March 7th*, 1745. Recorded, A vol. 2. p. 173.

CONFIRMED by the Lords Juſtices in Council, October 29th, 1748.

VIII. *An* ACT *for Erecting of a Houſe of Correction and Work-Houſe, in the Borough of* Briſtol, *in the County of* Bucks, *and for raiſing of Money on the Inhabitants of the ſaid Borough for the publick Uſe and Benefit thereof.*

Preamble.

WHEREAS, *William Keith*, Eſqr; (afterwards Sir *William Keith*) formerly Lieutenant Governor of this Province, by Letters Patent under the Great Seal of the ſaid Province, bearing Date on or about the 14*th* Day of *November*, 1720, did erect the Town of *Briſtol* aforeſaid, into a Borough, with Priviledge to the Inhabitants thereof, annually to meet at the Time and Place in the ſaid Letters Patent mentioned, and to elect by Ballot fit and able Men, Inhabitants of the ſaid Town, to be Burgeſſes and High Conſtable, with all ſuch other Officers within the ſame, for ſerving and aſſiſting the Burgeſſes in the Management of the Affairs of the ſaid Borough, and in Keeping of Peace and good Order therein, from time to time, as to the ſaid Electors, or to the Majority of them, ſhould ſeem requiſite; and that the Burgeſs firſt choſen, or having the Majority of Votes, ſhould be called Chief Burgeſs of the ſaid Town, and that the Burgeſſes ſo from time to time to be choſen, taking the Qualifications in the ſaid Letters Patent directed and enjoined, were thereby commiſſionated and impowered, to be Conſervators of the Peace, with Powers to arreſt, impriſon and puniſh Rioters and Breakers of the Peace, and to bind them, and all other Offenders, and Perſons of evil Fame, to the Court of General Quarter Seſſions of the Peace of the ſaid County, as fully and effectually as Juſtices of the Peace of the County, may or can do, with divers other Powers, Franchiſes, Liberties and Priviledges, in the ſame Letters Patents contained; but there being no Work-Houſe, Houſe of Correction, or Priſon, erected within the Bounds of the ſaid Borough, the good Purpoſes of the ſaid Letters Patents are in great Meaſure fruſtrated, and the Rule and good Government of the ſame Borough, rendered the more difficult to be maintained; for the Remedying whereof, and for the Raiſing of Money on the Inhabitants of the ſaid Borough, for the publick Uſe and Benefit thereof, as is herein after directed, BE IT ENACTED by the Honourable *GEORGE THOMAS*, Eſqr; with the King's Approbation Lieutenant Governor, under the Honourable JOHN PENN, THOMAS PENN and RICHARD PENN, Eſqrs; true and abſolute Proprietors of the Province of *Pennſylvania*, and Counties of *New-Caſtle*, *Kent* and *Suſſex*, on *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That the Burgeſſes and Common-Council of the ſaid Borough for the time being, ſhall, on the *Twenty Seventh* Day of *September* yearly, but if the ſame ſhall happen upon a firſt Day of the Week, then upon the Day before, or ofner, if need be, meet together and calculate the publick Debts and Charges of the ſaid Borough, and what Sum and Sums of Money may be neceſſary to be raiſed, on the Perſons and Eſtates of the Freeholders and Inhabitants, for Purchaſing a Piece of Land, and Building and Repairing a Houſe of Correction, or Work-Houſe thereon, or for Renting one already built, as they ſhall judge moſt convenient, and alſo for building a Market-Houſe, publick Stalls and Bridges, repairing Town Wharffs regulating

Recital of the Charter of the Borough of Briſtol.

Burgeſſes and Common Council to calculate the publick Charges

regulating the Streets and Highways, and to and for ſuch other publick Uſes, as they the ſaid Burgeſſes, or either of them, aſſiſted by the Common-Council aforeſaid, or a Majority of them, ſhall judge neceſſary, for the Year enſuing; which ſaid reſpective Sums with the particular Uſes, whereunto they ſhall be agreed to be appropriated as aforeſaid, ſhall be entered into a Book, to be provided and kept for that Purpoſe, by the Clerk of the Peace of the ſaid Borough, or ſuch other Perſon as they ſhall appoint for the Purpoſe aforeſaid, for which ſuch Allowance ſhall be made to the ſaid Clerk, as the ſaid Burgeſſes and Common-Council ſhall think reaſonable.

Inhabitants to chuſe Aſſeſſors.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That it ſhall and may be lawful, to and for the Inhabitants of the ſaid Borough, at their annual Election, to chuſe two or more ſubſtantial Inhabitants of the ſaid Borough, to be Aſſeſſors of the ſeveral Sums of Money ſo agreed to be raiſed, which Aſſeſſors ſo to be appointed, ſhall within ſix Weeks after every ſuch Calculation, make or lay a Rate or Aſſeſſment upon themſelves, and all other Perſons and Eſtates within the Borough aforeſaid, to and for the Uſes aforeſaid, by Poll and Pound Rate, according to the Manner now uſed in making Aſſeſſments in this Province, for raiſing of County Levies, as near as may be.

Conſtables to make a Return of the Eſtates of the Inhabitants.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Conſtables of the ſaid Borough, ſhall bring in Returns in Writing within five Days after Notice given them, of the Names and Eſtates of all Perſons within the ſaid Borough, for which they ſhall be allowed *Three Pence per* Pound upon every Sum to be aſſeſſed, as aforeſaid; which Aſſeſſment, being equally and impartially laid, and ſigned by the ſaid Aſſeſſors, ſhall be confirmed by the ſaid Burgeſſes, or either of them, and the Common-Council aforeſaid, or a Majority of them, under their Hands and Seals, and ſhall be paid by every Perſon and Eſtate ſo aſſeſſed, on Demand made by the High Conſtable for the time being, who is hereby appointed the Collector of the ſaid Taxes; and in caſe of Neglect or Refuſal, the ſaid Collector ſhall, by Warrant from the Burgeſſes aforeſaid, levy the ſame by Diſtreſs and Sale of the Goods of the Perſons ſo aſſeſſed and not paying the ſame within Fourteen Days after Demand, rendring the Overplus of the Value of the Goods diſtrained, to the Owner or Owners thereof, deducting the Charge of Diſtreſs; but for want of Diſtreſs, the ſaid Aſſeſſments to be levied by Impriſonment of the Perſon ſo neglecting or refuſing to pay the ſame, as aforeſaid.

High-Conſtable to be Collector.

Limitation of Aſſeſſments.

PROVIDED ALWAYS, That no ſuch Aſſeſſment or Aſſeſſments to be made in any one Year, ſhall exceed the Value of *Three Pence* in the Pound, of the clear Value of the Lands, Tenements, Hereditaments and perſonal Eſtate ſo aſſeſſed, and *Three Shillings* per Head, in Proportion to *One Penny per* Pound Tax on all ſingle Men, Inhabitants of the ſaid Borough, not otherwiſe rated by this Act: PROVIDED ALSO, That thoſe who are not rateable, or liable to be taxed, for Relief of the Poor within the ſaid Borough, ſhall not be rated or aſſeſſed by this Act.

Treaſurer to be appointed.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Burgeſſes, or either of them, with the Common-Council aforeſaid, or a Majority of them, ſhall appoint a Treaſurer for the ſaid Borough, who ſhall keep a Book, containing a particular Account of all the Rates and Aſſeſſments made as aforeſaid, and the Money to him paid, and alſo of all Diſburſements and Payments which he ſhall make, by Order from the Burgeſſes aforeſaid, or either of them, in Conjunction with the Common-Council aforeſaid, or a Majority of them, whoſe Order to the ſaid Treaſurer from time to time, ſhall be ſufficient for the Payment of ſuch Monies as ſhall come into his Hands from the ſaid Collectors.

Who ſhall account with the Burgeſſes and Common Council.

Allowance to the Treaſurer and Aſſeſſors.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Treaſurer ſhall, on or before the *Fourth* Day of *September* yearly, or oftner if required, bring in his Accounts, and ſettle and make up the ſame, before the Burgeſſes and Common-Council aforeſaid, or ſuch as they ſhall appoint; at the Auditing of which Accounts, any of the ſaid Inhabitants and Freeholders who ſhall be willing, may be preſent; and the ſaid Treaſurer, ſhall have for his Trouble in the Premiſſes, as much as the ſaid Burgeſſes, or either of them, with the Common-Council aforeſaid, or a Majority of them, ſhall agree to allow; and the ſaid Aſſeſſors ſhall be allowed *Three Pence per* Pound, for all the Sums levied and to be collected by this Act.

Collector to give Notice of the Aſſeſſments and Day of Appeal.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Money and Effects gathered and received by the ſaid Collectors, by virtue of this Act, ſhall, from time to time, be duly paid to the ſaid Treaſurer or Treaſurers, whoſe Receipts ſhall be the Collectors ſufficient Diſcharges: PROVIDED ALWAYS, That the Collector for the time being, ſhall forthwith, after every ſuch Aſſeſſment made as aforeſaid, give Notice to the ſaid Freeholders and Inhabitants of the ſaid Borough, or, in their Abſence, to ſome or one of their Families or Neighbours, of the reſpective Sums they are rated, and to acquaint them, that if they think themſelves aggrieved by ſuch Aſſeſſment, they may appeal to the Burgeſſes and Common-Council aforeſaid, and ſhall alſo acquaint them with the Day and Place of Appeal, which ſaid Day and Place of Appeal, ſhall be appointed by the Burgeſſes and Common-Council aforeſaid, who ſhall give their Attendance accordingly, and have due Regard to the ſaid Appeals, and thereupon to increaſe or abate the ſaid Aſſeſſment, as the ſaid Appellant ſhall appear, to them to be worth, either on their own Examination or the Proof of others.

Collectors Allowance.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That from and immediately after the ſaid Appeals have been heard and determined as aforeſaid, it ſhall and may be lawful to and for the Collector for the Time being, to proceed in Collecting and Levying the ſaid Rates and Aſſeſſments, for the Collecting whereof he and they reſpectively ſhall retain and keep *Six Pence* in the Pound, and no more; and if any of the ſaid Collectors, ſhall refuſe or neglect to collect the ſaid Aſſeſſments reſpectively, or any Part thereof, and pay the ſame to the Treaſurer, within three Months after

after the ſaid Appeals are determined as aforeſaid, he ſhall forfeit and pay to the ſaid Treaſurer, for the Uſe of the ſaid Borough, *Five Pounds*, and ſhall alſo pay all Arrears of ſuch Aſſeſſments which he was appointed to collect which ſhall be levied by a Warrant under the Hand and Seal of either of the Burgeſſes aforeſaid, directed to the Sheriff or his Deputy, who are hereby reſpectively impowered and required to execute ſuch Warrant upon the Lands and Tenements, Goods and Chattels of the Party offending, and in caſe Lands and Tenements, Goods and Chattels ſufficient to make Satisfaction cannot be found, then to impriſon ſuch Offender until Payment be made.

Burgeſſes &c. to erect a Houſe of Correction.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That it ſhall and may be lawful, with the Monies ſo to be raiſed as aforeſaid, for the Burgeſſes aforeſaid, or either of them, with the Common-Council aforeſaid, or a Majority of them, to take upon Rent, or to erect and build a Houſe of Correction and Work-Houſe in *Briſtol*, aforeſaid, with a convenient Yard or Backſide to the ſame, and to take an Aſſurance thereof in Fee-ſimple, or otherwiſe, in their own Names, or in the Names of ſuch other Perſons as they ſhall think fit, in Truſt nevertheleſs to and for the publick Uſe of the ſaid Borough, to be and remain as a Houſe of Correction or Work-Houſe for the ſaid Borough, to be employed for the Keeping, Correcting and ſetting at Work of all Rogues, Vagabonds, ſturdy Beggars and idle and diſorderly Perſons, who by the Laws and Uſage of *Great Britain*, or by the Laws of this Province, are to be kept, corrected, or ſet at Work in ſuch Houſes or Backſides.

and to chuſe a Preſident &c. for the ſaid Houſe.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Burgeſſes aforeſaid, or either of them, in Conjunction with the Common-Council of the ſaid Borough, or the greater Number of them, ſhall have like Power as the Juſtices of the Peace of the ſaid County had by the Laws of this Province, for chuſing and appointing of a Preſident, Treaſurer and Aſſiſtants for the ſaid Houſe of Correction or Work-houſe within the ſaid Borough, and upon any Vacancy by Death or otherwiſe of any of the ſaid Preſidents, Treaſurers, or Aſſiſtants, to elect and appoint others in their ſtead, and for doing all and ſingular other the Matters and Things any wiſe concerning the Work-Houſe aforeſaid, as fully, amply and largely, as the Juſtices of the Peace can or may do in reſpect to the Work-Houſes in the ſeveral Counties by the Laws of this Province.

Who ſhall be a Corporation

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Preſident, Treaſurer and Aſſiſtants for the time being reſpectively, ſhall for ever thereafter in Name and Fact, be a Body Politick and Corporate in Law to all Intents and Purpoſes, and ſhall have perpetual Succeſſion, and may ſue and be ſued, plead or be impleaded, by the Name of the Preſident, Treaſurer and Aſſiſtants of the Borough of *Briſtol*, in all Courts of Judicature within this Province, and by that Name ſhall and may receive and take any Lands, Tenements or Hereditaments, not exceeding the yearly Value of *One Hundred and Fifty Pounds per Annum*, of the Gift, Alienation or Deviſe of any Perſon or Perſons whomſoever, and of any Goods or Chattels whatſoever; and further ſhall have, poſſeſs and enjoy all other the Powers, Authorities and Privileges, and be ſubject to the ſame Regulations, Reſtrictions and Penalties, as the Preſident, Treaſurer and Aſſiſtants of the Houſe of Correction or Work-Houſe of the ſaid County are intitled and ſubject unto.

Burgeſſes to determine Debts under forty Shillings

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That it ſhall and may be lawful for the Burgeſſes of the ſaid Borough of *Briſtol* for the time being, and for every of them, and they are hereby authorized to hear and determine Debts and other Demands under the Value of *Forty Shillings* within the ſaid Borough, in like Manner as the Juſtices of the ſeveral Counties within this Province may or can do, by virtue of the Act of General Aſſembly of this Province, paſt in the *Firſt* Year of the Reign of King *George* the firſt, intitled, *An Act for the better determining of Debts and Demands under* Forty Shillings, *&c.*

And to commit Offenders and Debtors.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That in all Caſes wherein the Burgeſſes aforeſaid, by virtue of their Charter aforeſaid, or otherwiſe, are authorized to commit Offenders or Debtors, to Goal, for any Matter, Cauſe or Thing whatſoever, that then and in every ſuch Caſe, the ſaid Burgeſſes ſhall commit to the Goal of the County of *Bucks* aforeſaid, and not elſewhere, notwithſtanding the ſaid Goal is out of the Bounds of the ſaid Borough: And further, that it ſhall be lawful for the Conſtables for the ſaid Borough for the time being, and they are hereby enjoined and required, duly to execute every ſuch Precept, by delivering the Perſons which ſhall ſo be committed, to the Keeper of the Goal of the ſaid County for the time being, who is hereby enjoined and required to receive and keep them, purſuant to the Tenor of ſuch Precepts, under the like Penalties as for ſuffering an eſcape in other Caſes.

Paſs'd, *March*, 7th, 1745. Recorded A vol. 3. p. 161
CONFIRMED *by the Lords Juſtices in Council October 29th*, 1748.

IX. *A ſupplementary* ACT *to the Act intitled*, An Act for preventing the Exportation of Bread and Flour not merchantable.

Preamble.

WHEREAS by an Act of the General Aſſembly of this Province, paſſed in the *Seventh* Year of the Reign of our preſent King, *George* the Second, intitled, *An Act to prevent the Exportation of Bread and Flour not Merchantable*, it is amongſt other Things Enacted, *That no Merchant or other Perſon ſhall lade or ſhip any Flour for Exportation out of this Province, before he firſt ſubmit the ſame to the View and Examination of the Officers therein named;* but the Method of Trying the Goodneſs and Fineneſs of the ſaid Flour provided by the Act, on any Diſpute ariſing between the ſaid Officers and Poſſeſſors of Flour, not being ſo well adapted to the Purpoſe intended as might be, therefore, and for amending the ſaid

ſaid Act in that and other Particulars wherein on Experience it is found neceſſary, BE IT ENACTED by the Honourable *GEORGE THOMAS*, Eſq; Lieutenant Governor, with the King's Approbation, under the Honourable JOHN PENN, THOMAS PENN and RICHARD PENN, *Eſqrs;* true and abſolute Proprietaries of the Province of *Pennſylvania*, and of the the Counties of *New-Caſtle, Kent* and *Suſſex* on *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, AND IT IS HEREBY ENACTED, That from and after the Publication of this Act, no Merchant or other Perſon whatſoever, ſhall lade or ſhip any Flour for Exportation out of this Province, before he, ſhe or they ſhall firſt offer the ſame to the View of the Officer of the reſpective County herein after named, from whence the ſame Flour is intended to be ſhipped; under the Penalty of forfeiting *Five Shillings* for every Cask ſo ſhipped; who ſhall thereupon try every Cask of the ſame Flour in the Manner by the ſaid in part recited Act directed; and if on ſuch Search, the Flour ſhall be adjudged by the Officer fit for Exportation, he ſhall brand the ſame and be paid as the Act aforeſaid doth direct; but if the Officer ſhall adjudge ſuch Flour unmerchantable and not fit to be exported, and the Poſſeſſor of the ſaid Flour ſhall acquieſce under ſuch Judgment, he ſhall in ſuch Caſe pay to the ſaid Officer *One Penny* for each Cask ſo found unfit, and no more; and on his Refuſal or Neglect to pay the Penny *per* Cask as aforeſaid, the Officer may recover the ſame as Debts under *Forty Shillings* are recoverable, with Coſts of Suit; and if the Poſſeſſor of any Flour ſhall ſhip or offer to ſhip the ſame for Exportation out of this Province, without being approved and branded as by the Act aforeſaid is directed, the ſaid Flour ſhall be forfeited, to be recovered, by the ſaid Officers reſpectively, in any Court of Record within this Province, with Coſts of Suit; and when recovered, ſhall be applied in the ſame Manner as other Forfeitures by virtue of the ſaid recited Act. PROVIDED ALWAYS, and it is further Enacted by the Authority aforeſaid, That where at any time hereafter any Diſpute ſhall ariſe between any of the ſaid Officers or their Deputies, or any one of them, with the Poſſeſſor, concerning the Fineneſs or Goodneſs of ſuch Flour, then upon Application made by the Poſſeſſor of ſuch Flour to one of the Magiſtrates of the County where the Diſpute ariſes, he ſhall iſſue his Warrant to three indifferent and judicious Perſons of Skill and Integrity, one of them to be named by the Poſſeſſor of ſuch Flour, a ſecond to be named by the Officer, and the third Perſon to be named by the ſaid Magiſtrate, directing them, the Perſons ſo named, to view and ſearch the ſaid Flour, and to make Report to him forthwith according as they ſhall find the ſame; and that if they ſhall find the ſaid Flour not merchantable, that they certify to the ſaid Magiſtrate the Cauſe why, and whether it be for that the ſaid Flour wants due Fineneſs, is muſty, or four, or the like; and if four, whether ſuch Sourneſs is occaſioned by the Greenneſs of the Timber whereof the Caſks are made, or for any other, and what Cauſe; and the ſaid Magiſtrate is hereby impowered and required to give Judgment agreeable to the Report of the Perſons ſo named, or to the Report of any two of them; and in caſe the ſaid Flour on ſuch Report is judged unfit to be exported, the Magiſtrate ſhall order it not to be exported, under the Penalty in the ſaid Act mentioned; and ſhall alſo award the Owner or Poſſeſſor of ſuch Flour, to pay into the Hands of the ſaid Officers *One Shilling* for every Caſk ſo judged not fit for Exportation, and no more, beſides reaſonable Coſts; but in caſe the ſaid Flour on Tryal ſhall be found merchantable, the Officer ſhall be adjudged to pay all the Coſts which ſhall accrue on every ſuch Tryal: PROVIDED ALWAYS, that if it ſhall appear by any of the Reports of the Triers aforeſaid, that the Flour is found unmerchantable by Fault of the Miller or Bolter, that in every ſuch Caſe the Owner of ſuch Flour, ſhall or may recover the Damages which he ſhall ſuſtain, againſt ſuch Miller or Bolter, with full Coſts of Suit.

No Flour to be exported before being view'd and branded

Or elſe to be forfeited

Diſputes about the Goodneſs of Flour between the Owners and Officers how to be determined

Millers and Bolters to make good Damages accruing by their Fault

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That *Joſeph King*, of *Philadelphia*, ſhall be, and hereby is appointed the Officer for viewing and examining all Flour ſhipped or intended to be ſhipped directly out of this Province from the City and County of *Philadelphia*; and that *William Atkinſon* of *Bucks*-County, ſhall be, and here by is appointed the Officer for viewing and examining all Flour ſhipp'd or intended to be ſhipped directly out of this Province from the County of *Bucks*; and that *John Owen*, of *Cheſter*, ſhall be, and is hereby appointed the Officer for viewing and examining all Flour ſhipped or intended to be ſhipped directly out of this Province from the County of *Cheſter*; and if any, or either of the ſaid Officers hereby appointed, ſhall by any Accident be rendered incapable or ſhall knowingly ſuffer any Flour to be ſhipped for Exportation out of this Province, without trying every Cask thereof, as therein before is directed, or ſhall neglect to keep a ſufficient Number of Deputies to aſſiſt him in the Execution of his Office, whereby the Poſſeſſor of ſuch Flour is damnified or delayed, or ſhall otherwiſe miſbehave him or themſelves therein, then, and ſo often, and from time to time, it ſhall and may be lawful to and for a Majority of the Juſtices of the Peace of the reſpective Counties in their next Quarter Seſſions, and they are hereby enjoined and required, on the Conviction of the ſaid Officer of any of the Crimes aforeſaid, to nominate and appoint ſome other fit Perſon in his or their Place or Places, who ſhall thereupon be the Officer for putting this Act, and the Act herein before in Part recited, in Execution for the reſpective County, until the Aſſembly appoint another; the ſaid Officer ſo to be appointed, firſt taking the Qualification for the faithful and impartial Diſcharge of his reſpective Duties, as by the ſaid mentioned Act is enjoined; and the ſaid Officers herein named, ſhall, and are enjoined, on their Qualifications aforeſaid, reſpectively to account for, and pay unto the Overſeers of the Poor, for the Uſe of the Poor of the Place where the Forfeitures happened, once in three Months or oftner, if thereunto required, all ſuch Sum or Sums of Money as ſhall from time to time ariſe from, or be paid by the Owner or Poſſeſſors of ſuch Flour which ſhall ſo be adjudged not merchantable as aforeſaid, deducting thereout *Six Pence* for every Cask for their Trouble and Charges they ſhall reſpectively be at on the Trial of every ſuch Caſe.

Officers appointed

How to be replaced

Forfeitures to be for the Uſe of the Poor

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Officers aforeſaid ſhall continue in their reſpective Offices from the Publication of this Act for the Space of four Years, and from thence until the next Meeting of Aſſembly and no longer, except they ſhall be re-appointed by the Aſſembly.

Officers to continue 4 Years

AND

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That ſo much of the Act before mentioned, intitled, *An Act to prevent the Exportation of Bread and Flour not merchantable*, as relates to the Nomination of Officers for putting the ſame Act in Execution, and ſo far as it is hereby altered, ſhall be, and hereby is repealed, declared null and void; but that all other Clauſes, Matters and Things in the ſaid Act contained, ſhall be, and are hereby declared to be in full Force, Strength and Virtue, as fully to all Intents Conſtructions and Purpoſes, as if this preſent Act had not been made.

Limitation of this Act

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That this Act ſhall continue in Force for the Term of Four Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

Paſs'd *March* 7th 1745. Recorded A vol. 3. p. 158.
CONFIRMED *by the Lords Juſtices in Council October* 29*th* 1748.

X. *An* ACT *for the more effectual Suppreſſing Profane Curſing and Swearing.*

Preamble

WHEREAS the Sins of profane Curſing and Swearing, are odious and abominable to Almighty God, and all good Men, and may draw down God's Judgments, were ſuch grand Offences to go unpuniſhed: AND WHEREAS it is found by Experience, that the Act of General Aſſembly of this Province, intitled, *An Act to prevent the grievous Sins of Curſing and Swearing*, &c. hath proved ineffectual to the Suppreſſing of thoſe deteſtable Sins, by Reaſon of ſome Deficiencies in the ſaid Act; BE IT THEREFORE ENACTED, by the Honourable *GEORGE THOMAS, Eſq;* Lieutenant Governor, with the King's Approbation, under the Honourable JOHN PENN, THOMAS PENN and RICHARD PENN, *Eſqrs;* true and abſolute Proprietaries of the Province of *Pennſylvania*, and of the Counties of *New-Caſtle*, *Kent* and *Suſſex* on *Delaware* by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, AND IT IS HEREBY ENACTED by the Authority of the ſame, That if any Perſon or Perſons within this Province, of the Age of Sixteen Years, or upwards, from and after the Publication hereof, ſhall profanely Swear or Curſe in the Preſence or Hearing of any Juſtice of the Peace of any County, or of the Mayor, or other head Officer, or Juſtice of the Peace of any City, Borough or Town-corporate, where ſuch Offence, is or ſhall be committed, or that ſhall thereof be convicted by the Teſtimony of one Witneſs, or by the Confeſſion of the Party offending before any Juſtice of the Peace of the County, or Mayor, or other chief Officer or Juſtice of the Peace of ſuch City or Town-corporate, where the ſaid Offence, ſhall be committed; that then, for every ſuch Offence, the Party ſo offending, ſhall forfeit and pay, for the Uſe of the Poor of the Place, where ſuch Offence or Offences ſhall be committed, the reſpective Sums or Penalties herein after mentioned, (that is to ſay) For the firſt Offence the Sum of *Five Shillings*, or ſuffer five Days Impriſonment in the Houſe of Correction at hard Labour, and be fed with Bread and Water only, during that Time; and in caſe any of the Perſons aforeſaid, ſhall after Conviction as aforeſaid, offend a ſecond or other Time, ſuch Perſon ſhall forfeit and pay for each ſuch Offence, double the Sum aforeſaid, or ſuffer Ten Days Impriſonment in Manner aforeſaid

Penalty of Perſons of Age for Swearing and Curſing

Of Perſons under Age

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon or Perſons within this Province, under the Age of Sixteen Years, ſhall profanely Swear or Curſe as aforeſaid, and be thereof duly convicted as aforeſaid, every ſuch Perſon ſhall forfeit and pay the like Sums as aforeſaid, for the reſpective Offences aforeſaid; or in Default thereof, then and in every ſuch Caſe, any Juſtice of the Peace of the County, or Mayor, or other head Officer, or Juſtice of the Peace of any City or Town-Corporate, where the Offence ſhall be committed, or the Offender inhabit, by Warrant under the Hand and Seal of the ſaid Juſtice of the Peace, or other Officer aforeſaid, and for any Number of Offences whereof any Perſon or Perſons ſhall be ſo convicted, to order that he or ſhe be whipp'd by the Conſtable, or by the Parent, Guardian or Maſter, of ſuch Offender in the Preſence of the Conſtable.

Proſecutions limited

PROVIDED ALWAYS, AND IT IS HEREBY ENACTED, That no Perſon or Perſons ſhall be proſecuted or troubled for any Offence againſt this Act, unleſs the ſame be proved or proſecuted within Five Days after the Offence committed.

AND to the End this Act may be the more generally known and obſerved, and that ſuch who may tranſgreſs againſt the Tenor of the ſame may be the leſs excuſable BE IT FURTHER ENACTED by the Authority aforeſaid, That as ſoon as may be after the Publication of this Act, the Printer thereof ſhall deliver, or cauſe to be delivered, unto every of the Conſtables of the ſeveral Wards in the City of *Philadelphia*, and unto every of the Conſtables of every Townſhip and Borough in every of the Counties within this Province, a Copy of the ſame, printed on a ſingle Sheet of Paper, who ſhall forthwith after the Receipt thereof, affix the ſame in the moſt publick Place in their reſpective Wards and Diſtricts, under the Penalty of *Five Pounds* unto each Conſtable who ſhall neglect his Duty therein, to be recovered by Action of Debt, in any Court of Record within this Province, with Coſts of Suit, one half Part whereof to him who will ſue for the ſame, the other Half to the Uſe of the Poor of the Place wherein the Offence ſhall be committed.

Repeal of Part of a former Act

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That ſo much of the before recited Act, which relates to profane Swearing and Curſing, ſhall be, and is hereby declared to be repealed, made null and void.

Paſs'd *March the 7th* 1745. Recorded A vol. 3. p. 147
CONFIRMED *by the Lords Juſtices in Council. October* 29*th* 1748.

XI. An

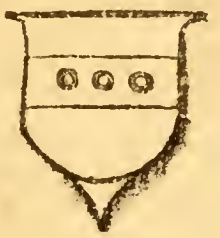
XI. *An* ACT *for Granting* Five Thouſand Pounds *to the King's Uſe, out of the Bills of Credit now remaining in the Hands of the Truſtees of the General Loan-Office, for Exchanging torn and ragged Bills; and for ſtriking the like Sum, to replace in their Hands.*

WE the Repreſentatives of the Freemen of the Province of *Pennſylvania*, deſirous of demonſtrating our Obedience to our preſent Sovereign King *GEORGE* the Second, by yielding a ready and chearful Compliance with His Commands, ſo far as our religious Principles will admit; and willing to give ample Teſtimony of the Loyalty and ſincere Affection of His loving Subjects within this Province, do pray that it may be Enacted, And Preamble.

BE IT ENACTED by the Honourable *GEORGE THOMAS, Eſq;* Lieutenant Governor, with the King's Approbation, under the Honourable JOHN PENN, THOMAS PENN, and RICHARD PENN, *Eſqrs;* true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *Newcaſtle, Kent* and *Suſſex* upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, AND IT IS HEREBY ENACTED by the Authority of the ſame, That the Truſtees of the General Loan-Office of the Province aforeſaid (out of the Bills of Credit remaining in their Hands, by Virtue of former Acts of Aſſembly, for Exchanging of torn and ragged Bills) do pay unto the Honourable GEORGE THOMAS, Eſq; Lieutenant Governor aforeſaid, or to ſuch Perſon and Perſons as he ſhall appoint, the Sum of *Five Thouſand Pounds*, to be by him applied, for the King's Uſe; they the ſaid Truſtees, taking one or more Receipts for the Money ſo to be paid, which ſhall be ſufficient to diſcharge them, their Executors and Adminiſtrators, of and from the ſame. 5000 Pound given for the King's Uſe

AND to the End the like Sum, ſo as aforeſaid given to the King's Uſe, may be replaced, for Exchanging torn and ragged Bills, purſuant to the Tenor of the ſaid former Acts of Aſſembly, BE IT FURTHER ENACTED by the Authority aforeſaid, That indented Bills of Credit, to the Value of the like Sum of *Five Thouſand Pounds*, of lawful Money of *America*, according to an Act of Parliament made in the Sixth Year of the Reign of the late Queen *Anne*, for Aſcertaining the Rates of foreign Coins in the Plantations in *America*, ſhall, on or before the Tenth Day of *September* next, after the paſſing of this Act, be prepared and printed, on good ſtrong Paper under the Care and Direction of the Truſtees of the General Loan-Office aforeſaid, at the Charge of the Publick, to be defrayed out of the Intereſt-Money ariſing, or to ariſe, upon the Loans of any Bills of Credit formerly emitted, or to be emitted, by any of the Truſtees of the General Loan-Office; which Bills ſhall be made and prepared in Manner and Form following, and no other, *viz.* To be ſtruck in Bills of Credit

THIS Indented Bill ſhall paſs current for within the Province of Pennſylvania, *according to an Act of Aſſembly made in the Nineteenth Year of the Reign of King* George *the Second. Dated the Day of* One Thouſand Seven Hundred and Forty Six.



Form

AND the ſame Bills ſhall have ſuch like Eſcutcheons as in the Margent hereof, with ſuch other Devices on the ſaid Bills as the ſaid Truſtees ſhall think fit, as well to prevent Counterfeits, as to diſtinguiſh their ſeveral Denominations; each of which Bills, ſhall be of the ſeveral and reſpective Denominations following, and no other, *viz* Thirty Thouſand of the ſaid Bills of the Value of *Four pence* in each of them: Thirty Thouſand of the ſaid Bills of the Value of *Six Pence* in each of them: Thirty Thouſand of the ſaid Bills of the Value of *Nine Pence* in each of them: And Two Thouſand Six Hundred and Twenty Five of the ſaid Bills of the Value of *Twenty Shillings* in each of them. And the ſaid Truſtees ſhall uſe the beſt of their Care, Attention, and Diligence, during the Printing of the ſaid Bills, that the Number and amount thereof, according to their reſpective Denominations aforeſaid, be not exceeded, nor any clandeſtine or fraudulent Practice uſed by the ſaid Printer, his Servants, or Perſons concerned therein. Number and Denominations thereof

AND for the perfecting of the ſaid Bills to make them Current within this Province, according to the true Intent and Meaning of this Act, BE IT FURTHER ENACTED by the Authority aforeſaid, That all, and every of the ſaid *Twenty Shilling* Bills, ſhall be ſigned by the Perſons following (that is to ſay) *James Morris, John Hall, Joſeph Harvey,* and *James Mitchel*. And the ſaid *Four-penny, Six penny,* and *Nine-penny* Bills by two of them only, who are hereby nominated and appointed to be Signers of the ſaid Bills; and ſhall before they receive or ſign any of the ſaid Bills of Credit, take an Oath or Affirmation to the following Effect, *to wit,* Signers Names

THAT they ſhall well and truly ſign and number all the Bills of Credit that ſhall come to their Hands for that Purpoſe, by the Direction of this Act: and the ſame ſo ſigned and numbered, will deliver, or cauſe to be delivered, unto the Truſtees of the General Loan-Office of the Province of Pennſylvania, *purſuant to the Direction of this Act.* their Qualification

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Truſtees after the ſaid Bills are printed, ſhall deliver them to the ſaid Signers, to be ſigned and numbered by Parcels; for which the ſaid Signers, or ſome of them, ſhall give their Receipt (that is to ſay) One Thouſand Pounds Value in the ſaid Bills at one Time; and ſo from Time to Time, until all the ſaid Bills of Credit ſhall be ſigned and numbered. Of all which Bills of Credit ſo delivered to be ſigned, by the Truſtees, true Accounts ſhall be kept by the Signers, who upon the Re-delivery of each, or any Parcel of the ſaid Bills of Credit by them ſigned and numbered, to the Truſtees of the General Loan-Office, ſhall take the Receipt of the ſaid Truſtees, to charge them before any Committee of Aſſembly to be appointed for that Purpoſe.

AND the ſaid Signers ſhall have *Fifteen Shillings* a Piece for every Thouſand of the aforeſaid Bills by them reſpectively ſigned and numbered, within Ten Days after the Re-delivery thereof to the ſaid Truſtees, to be paid by them out of the Intereſt-Money in their Hands.

AND if any of the Perſons before nominated to be Signers, ſhall happen to die, or be rendered incapable of doing his or their Duty, by this Act required; the Aſſembly for the Time being, ſhall appoint ſome other Perſon or Perſons, in his or their Stead, from Time to Time, until all the Bills hereby directed to be made, be wholly ſigned and numbered as aforeſaid.

Bills ſo ſtruck to be exchanged for old ones

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Truſtees after the Receipt of the ſaid new Bills, ſigned and numbered as aforeſaid, or ſome fit Perſon, for whom they ſhall be accountable, ſhall give due Attendance at their Office, and ſhall deliver out the ſame, unto ſuch Perſons as ſhall demand them in Exchange for Bills of the ſame Value which are torn or ragged, made and emitted by Direction of any former Acts of Aſſembly of this Province, purſuant to the Directions of the ſaid ſeveral Acts; which ſaid Old Bills, ſhall be kept by the ſaid Truſtees for their Vouchers, to diſcharge them of ſo much of the aforeſaid *Five Thouſand Pounds* Value in new Bills, as they ſhall have given in Exchange as aforeſaid, before any Comittee of Aſſembly to be appointed for that Purpoſe, who having duly examined ſuch old Bills ſo received in Exchange, ſhall cauſe the ſame to be burnt and deſtroyed in their Preſence; and the ſaid Truſtees, ſhall have for their Trouble and Care in Exchanging the ſaid Bills, *Twenty-Seven Pounds Ten Shillings*, to be defrayed out of the Intereſt-Money in their Hands.

and be current 16 Years

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the new Bills hereby directed to be made and emitted, ſhall, from and after ſuch Emiſſion, be Current Bills of this Province, for and during the Space of Sixteen Years next enſuing the Fifteenth Day of *October* next; and as ſuch, ſhall be received in Payment and Diſcharge of all Manner of Debts, Rents, Sum and Sums of Money whatſoever, due, payable, or accruing upon, or by Reaſon of any Mortgage, Bill, Specialty, Bond, Note, Book-Account, Promiſe, Aſſumption, or any other Contract or Cauſe whatſoever, as if the ſame were rendered or paid in the Coins mentioned in ſuch Bonds, or other Writing, Book-Account, Promiſe, Aſſumption, or in any other Contract whatſoever, and at the Rates aſcertained in the Act of Parliament aforeſaid, and ſhall be ſo received in all Payments, by all Perſons whatſoever.

AND to the End the *Five Thouſand Pounds* in Bills of Credit ſo as aforeſaid given to the King's Uſe, may be duly ſunk and deſtroyed, BE IT FURTHER ENACTED by the Authority aforeſaid, That the Act of Aſſembly of this Province paſt in the Seventeenth Year, of the preſent Reign, intitled, *An Act for laying an Exciſe on Wine, Rum, Brandy, and other Spirits*, be, and the ſame Act, and every Clauſe, Article, and Thing therein contained, is hereby continued, for and during the Space of Ten Years, next after the Firſt Day of the *Fourth* Month, *One Thouſand Seven Hundred and Forty Six*.

Exciſe Act Tom. II. C. I. continued, *but ſince expired*

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Treaſurer of this Province for the Time being, ſhall, out of the Money paid into his Hands by Virtue of the ſaid Exciſe Act yearly and every Year, for the Space of Ten Years next, pay into the Hands of the Truſtees of the General Loan-Office for the Time being, *Five Hundred Pounds* in Bills of Credit of this Province; which Sums ſo to be paid in to them the ſaid Truſtees, ſhall yearly, during the Term laſt aforeſaid, be by them produced to the Committees of Aſſembly appointed for that Purpoſe, and in their Preſence be burnt and deſtroyed.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the preſent Collectors of Exciſe, ſhall be and continue in their reſpective Offices, from the Publication of this Act, for the Space of Five Years, and from thence until a new Nomination and Appointment ſhall be made by the Aſſembly, and no longer; which ſaid Collectors, ſo appointed, or to be appointed, ſhall, during their Continuance in their reſpective Offices, have all the Powers and Authorities in the ſaid recited Act mentioned, and be intitled to the Fees and Perquiſites uſually taken for their reſpective Services, by Virtue of the ſaid former Act.

Paſs'd *June* 24*th*, 1746. Recorded A Vol. 3. p. 177.
CONFIRMED by the Lords Juſtices in Council, October 29th. 1748.

XII. *A Supplement to the* ACT, *intitled* An Act for impoſing a Duty on Perſons convicted of heinous Crimes, *&c.*

Paſs'd *June* 24*th*, 1746. Repealed. Recorded A Vol. 3. p. 176.

XIII. *An* ACT *for the Continuance of an Act, intituled*, An Act for the better ſecuring the City of *Philadelphia* from the Danger of Gunpowder.

Preamble

WHEREAS by the Act, intituled, *An Act for the better ſecuring the City of* Philadelphia *from the Danger of Gunpowder* paſt in the Eleventh Year of the Reign of King GEORGE the Firſt, it was amongſt other Things enacted, That *William Chancellor*, of the City of *Philadelphia* aforeſaid, Sailmaker ſhould, at his own Expence, erect a good and ſubſtantial, tight and ſecure Powder houſe or Store for Gunpowder, at the Place, and within the Time in the ſaid Act mentioned, ſo fit and capacious as might be reaſonably expected to contain all the Gunpowder to be from time to time imported or brought into the City aforeſaid during the Space of Twenty one Years, the Time of the Continuance of the ſaid Act: and that the ſaid *William Chancellor* his Executors and Aſſigns, ſhould, during the Space aforeſaid, lay up and ſtore all the Gun-Powder to be imported as aforeſaid, and ſhould for the Storage aforeſaid receive the Fees and Perquiſites, and be under the Reſtrictions and Regulations in the ſaid Act contained. And whereas the ſaid Act hath for ſome Time been expired; but the Danger which may ariſe from Gun-powder within the City aforeſaid, by the ſaid Act provided againſt, as yet continues: AND it is therefore neceſſary that the ſaid Act be continued until ſome further Proviſion ſhall be made for the like Purpoſes: THEREFORE, at the humble Requeſt of *Elizabeth Chancellor*, acting Executrix of the laſt Will and Teſtament of the ſaid *William Chancellor* deceaſed, on Behalf of herſelf, and her Orphan Brothers and Siſters,

BE

BE IT ENACTED by the Honourable *GEORGE THOMAS*, Esq; with the King's Roval *Approbation* Lieutenant-Governor and Commander in Chief, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietors of the Province of *Pennsylvania*, and of the Counties of *Newcastle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and it is hereby enacted by the Authority of the same, That the aforesaid Act, intituled, *An Act for the better securing the City of Philadelphia from the Danger of Gunpowder*, be, and the same is hereby declared to be in full Force and Virtue. And that the said *Elizabeth Chancellor*, on behalf of herself and her Brothers and Sisters, shall be intitled to the same Perquisites, Fees and Rewards, for the Storage of Gunpowder, and other the Premises, in the Act aforesaid mentioned, and be under the same Regulations, Restrictions and Penalties, as in the said Act are contained and provided for the said *William Chancellor*, his Executors and Assigns, for and during the Space of One Year next ensuing the Publication of this Act, and from thence until some future Provision be made by Act of Assembly, and no longer.

Which is continued

Pass'd, *May* 8th, 1747. Recorded A vol. 3. p. 181.

CONFIRMED *by the Lords Justices in Council, October 29th*, 1748.

XIV. *An* ACT *for the new Appointment of Trustees of the General Loan-Office of* Pennsylvania; *and for the making current Five thousand Pounds, in new Bills of Credit to exchange such of those now by Law current, as are torn and defaced.*

WHEREAS by an Act of General Assembly of this Province, intituled *An Act for the new Appointement of Trustees of the General Loan-Office of* Pennsylvania, &c. *John Kinsey, Thomas Leech, John Watson, Thomas Chandler.* and *John Wright*, were appointed Trustees of the General Loan-Office aforesaid, with full Power and Authority to execute the Trust in them reposed by Virtue of the said Act; and also to do, perform and suffer, all other the Matters and Things whatsoever, as fully to all Intents and Purposes, as any former Trustees of the said Office, by Virtue of former Acts of Assembly, might have done and suffered, for and during the Space of four Years, from the Time of the Commencement of their said Trust, and from thence till a new Nomination and Appointment to the said Trust should be made, AND WHEREAS the said Term of four Years is some Time since expired, and it is thought necessary that a new Nomination and Appointment to the Trust aforesaid be made, We, the Representatives of the Freemen of *Pennsylvania*, do therefore pray that it may be enacted.

Recital of a former Act of Ass.

AND BE IT ENACTED by the Honourable *JAMES HAMILTON*, Esq; Lieutenant Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietors of *Pennsylvania*, and of the Counties of *Newcastle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That from and after the sixteenth Day of *May*, in the Year of our Lord, *One Thousand Seven Hundred and Forty-nine*, the said *Thomas Leech*, *John Watson*, *Thomas Chandler*, and *John Wright*, and every of them be, and hereby are discharged from executing the Office aforesaid: And *John Kinsey*, *James Morris*, *Abraham Chapman*, *Francis Yarnall*, and *James Wright*, are hereby nominated and appointed Trustees of the General Loan-Office of the Province of *Pennsylvania*, to succeed the Trustees first in this Act named in the said Trust; and on the said sixteenth Day of *May*, in the Year last aforesaid, to enter upon the Execution of their said Trust, to which they are hereby appointed, and to hold and order the said Loan-Office, and to receive and issue Bills of Credit of this Province, and to do, execute and perform, all and singular other the Matters and Things whatsoever enjoined and required to be done by the Trustees of the said General Loan-Office, in the said Office, by Virtue of any Acts of Assembly now made, or that shall be made during their Continuance in the said Trust, or until they shall be legally removed therefrom, as fully, and as amply, to all Intents, Constructions and Purposes, as the present, or any former Trustees of the said General Loan-Office of *Pennsylvania* now can, or might have done, by any Acts of Assembly, in which the said Trustees in the said Acts named were appointed, and as fully, as if the said *John Kinsey*, *James Morris*, *Abraham Chapman*, *Francis Yarnall*, and *James Wright*, were named and appointed Trustees in the Bodies of the said Acts of Assembly: Each of them, the said Trustees before they enter upon the Execution of their Trust, first giving Bond to the Provincial Treasurer for the Time being, in the Sum of *Three Thousand Pounds*, with Condition for the due Execution of their Trust, and Performance of all Things, required of them, as well by the several Acts of Assembly of this Province, as of this Act, and also taking an Affirmation, as in and by the said Acts of Assembly are enjoined and required.

New Trustees appointed.

To give Bonds of Performance.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any of the Trustees of the General Loan-Office, herein before-named and appointed, shall happen to die, or be removed for Misfeazance, some other fit Person or Persons, shall be appointed in the Place and Places of such Trustee or Trustees by the Assembly.

To be replaced by the Assembly.

PROVIDED ALWAYS, and it is here by further enacted, that none of the Persons herein before-named, shall longer continue in the Exercise of the said Office than the Space of four Years, from the Time of the Commencement of their Trust as aforesaid, and from thence until a new Nomination and Appointment of Trustees of the said General Loan-Office be made, as in and by the last mentioned Act of Assembly is directed.

to continue 4 Years, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said *John Kinsey*, *James Morris*, *Abraham Chapman*, *Francis Yarnall*, and *James Wright*, are hereby authorized and required

To receive all Securities and Monies belonging to the General Loan-Office.

quired, from and immediately after the Commencement of their Truſt, to demand, take and receive, of the ſaid *Thomas Leech*, *John Watſon*, *Thomas Chandler*, and *John Wright*, their Heirs, Executors and Adminiſtrators, and every of them, and of every other Perſon or Perſons concerned, all the Mortgage Deeds, Bonds and Warrants of Attorney, together with the Books of Records, and Enrolments of the ſame, and all Deeds, Evidences and Writings, relating to, or concerning the Right or Title of any Lands, Tenements, Hereditaments, or other Things, taken and received by the Truſtees at any Time heretofore named or appointed into the ſaid General Loan-Office, for ſecuring the Payment of any Sum or Sums of Money, and all the Bills of Credit remaining in their, or any of their Hands, belonging to the ſaid Loan-Office.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all the aforeſaid Mortgages and Enrolments of the ſame, or other Deeds, Evidences and Writings, relating to, or concerning any Mortgage or other Security for Payment of any Money or Bills of Credit into the ſaid Loan-Office of the Province of *Pennſylvania*, and all Plate, with the ſaid Bills of Credit now remaining in their, or any of their Hands, ſhall immediately, from and after the ſixteenth Day of the Month aforeſaid, be delivered with all convenient Speed to the Truſtees of the ſaid General Loan-Office in this Act named and appointed, who are hereby impowered to account with and receive the ſame from the ſaid *Thomas Leech*, *John Watſon*, *Thomas Chandler*, and *John Wright*, or any other Perſon or Perſons whatſoever, having the ſame in their Hands or Poſſeſſion; and to lay the ſeveral Accounts before the Aſſembly of this Province, when thereunto required: And that a Receipt of the Truſtees by this Act appointed, or any three of them, ſhall be ſufficient to diſcharge them, the ſaid *Thomas Leech*, *John Watſon*, *Thomas Chandler*, and *John Wright*, their Heirs, Executors and Adminiſtrators, for ſuch Bills of Credit, Plate, Mortgage Deeds, Enrolments of the ſame, and other Writings, ſo to be delivered.

PROVIDED ALWAYS, that it ſhall and may be lawful for the ſaid Truſtees by this Act removed, or any of them, at any ſeaſonable Time or Times hereafter, to have Recourſe to and Inſpection of all the Mortgage Deeds, and Enrolments of the ſame, with their Indorſements, in order to enable them to account with the Aſſembly of this Province in their Committees, or any other Perſons to be appointed by the Aſſembly for that Purpoſe, if any ſuch Account be required.

Power to chuſe a Clerk.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, that the Truſtees appointed by this Act, are hereby impowered to chuſe and employ a fit and able Perſon to be Clerk, for whom they ſhall be anſwerable, to ſerve them in the ſaid Office, during their Pleaſure, under the like Qualifications enjoined to be taken by the Clerk in the ſaid former Acts of Aſſembly, before he enter on his Office, who ſhall deliver to the Committees of Aſſembly, when thereunto required, upon Oath or Affirmation, a true Liſt of all Mortgage Deeds, taken according to the Directions of the aforeſaid Acts of Aſſembly. And the ſaid Truſtees ſhall keep fair and exact Books, Table-wiſe, of all the Emiſſions of Bills of Credit by them lett upon Loan, or otherwiſe iſſued out of the ſaid Office, and of the Receipts of the principal Sums, Quotas, and Intereſt, ariſing thereupon, and of all the Monies to them paid in upon all and every the Acts of Aſſembly, to which Books of Accounts, the Committees of Aſſembly, appointed, or to be appointed, to audit the ſaid Truſtees Accounts, ſhall have free Acceſs at all ſeaſonable Times; and ſhall further have delivered to them, for the Uſe of the Aſſembly, a fair Duplicate of the ſaid Tables by the aforeſaid Truſtees, with a Liſt of the Receipts of all Monies paid in, with the Days of Payment; and likewiſe have Acceſs to the Mortgage Deeds and Enrolments of the ſame, with the Bonds given by the Mortgagers, to the End, they may be ſatisfied that there is due Credit given to the ſaid Province, for the Money or Bills of Credit paid in, and that the ſame have been lett out without Delay to ſuch Perſons as ſhall have Occaſion to borrow, and that the ſaid Committees may, from Time to Time, be acquainted with the true State of the whole Tranſactions and Affairs belonging to the Loan-Office aforeſaid.

They ſhall keep Books and the Committees of Aſſembly have free Acceſs to the ſame, &c

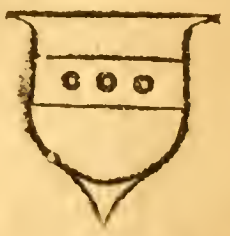
AND FORASMUCH as great Complaints have been made for Want of ſmall Bills to paſs in Change; and as divers of the Bills of Credit made and iſſued, in Purſuance of divers Acts of Aſſembly, eſpecially of the ſmaller Denominations, are ſo torn and defaced, as render them unfit to paſs in Payments and no ſufficient Proviſion is made by Law for exchanging them.

5000 l. to be ſtruck in Bills of Credit.

THEREFORE BE IT FURTHER ENACTED by the Authority aforeſaid, That indented Bills of Credit, of the Value of *Five Thouſand Pounds* of lawful Money of *America*, according to the Act of Parliament made in the Sixth Year of the late Queen *Anne*, for aſcertaining the Rates of foreign Coins in the Plantations in *America*, ſhall, before the ſixteenth Day of *May* next after the paſſing of this Act, be prepared and printed, under the Care and Direction of the aforeſaid *John Kinſey*, *James Morris*, *Abraham Chapman*, *Francis Yarnall*, and *James Wright*, the Truſtees of the General Loan-Office of *Pennſylvania* by this Act appointed, and at the Charge of the Province; and to be defray'd out of the Intereſt Money ariſing, or to ariſe, from any of the Bills of Credit, formerly emitted, or to be emitted, by any Truſtees of the General Loan-Office: Which Bills ſhall be made and prepared in the Form following, and no other, *viz.*

Form,

THIS Bill by Law ſhall paſs current for ---------- *within the Province of* Pennſylvania. *Dated the ſixteenth Day of* May, One Thouſand Seven Hundred and Forty Nine.



AND the ſaid Bills ſhall have ſuch like Eſcutcheons, as in the Margin hereof, with ſuch other Devices on the ſaid Bills as the ſaid Truſtees ſhall think fit, as well to prevent Counterfeits, as to diſtinguiſh the ſeveral Denominations. Each of which Bills ſhall be of the ſeveral and reſpective Denominations following,

lowing, and no other, *viz.* Sixty Thouſand of the ſame Bills, the Sum of *Three Pence* in each of them: Sixty Thouſand of the ſame Bills, the Sum of *Four Pence* in each of them: Sixty Thouſand and One of the ſame Bills, the Sum of *Six Pence* in each of them: Forty-ſix Thouſand, Six Hundred and Sixty-ſix of the ſame Bills, the Sum of *None Pence* in each of them. Number and Denomination thereof.

AND the ſaid Truſtees ſhall uſe the beſt of their Care, Attention and Diligence, during the Printing of the ſaid Bills, that the Number and Amount thereof, according to their reſpective Denominations aforeſaid, be not exceeded, nor any fradulent and clandeſtine Practiſe uſed by the Printer, his Servants, or Perſons concerned therein.

AND for the perfecting the ſaid Bills, to make them current within this Province, according to the true Intent and Meaning of this Act, BE IT FURTHER ENACTED by the Authority aforeſaid, That all and every of the ſaid Bills, ſhall be ſigned by the Perſons following, to wit, *John Jervis*, *William Trotter*, *Joſeph Hamton*, *John Davis*, and *James Webb*, or any one of them, who are hereby nominated and appointed to be Signers of the ſaid Bills; and ſhall, before they receive, or ſign any of the ſaid Bills of Credit, take an Affirmation to the following Effect, *to wit*. Signers Names.

"THAT they ſhall well and truly ſign and number all the Bills of Credit, that ſhall come to "their Hands for that Purpoſe, by the Direction of this Act, and no more; and the ſame ſo ſign- "ed and numbered, will deliver unto the Truſtees of the General Loan-Office of *Pennſylvania*, or one "of them, purſuant to the Direction of this Act." their Qualification.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Truſtees, after the ſaid Bills are printed, ſhall deliver them to the ſaid Signers, to be ſigned and numbered by Parcels; for which the ſaid Signers, or ſome of them, ſhall give their Receipt; that is to ſay, *One Thouſand Pounds* Value in the ſaid Bills at one Time, and ſo from Time to Time, until all the ſaid Bills of Credit ſhall be ſigned and numbered. Of all which Bills of Credit ſo delivered to be ſigned by the Truſtees, true Accounts ſhall be kept by the Signers, who, upon Re-delivery of each, or any Parcel of the ſaid Bills of Credit, by them ſigned and numberd, to the Truſtees of the General Loan-Office, ſhall take the Receipt of the ſaid Truſtees, to charge them before any Committee of Aſſembly to be appointed for that Purpoſe.

AND the ſaid Signers ſhall have *Fifteen Shillings* a Piece for every Thouſand of the aforeſaid Bills by them reſpectively ſigned and numbered, within ten Days after the Re-delivery thereof to the ſaid Truſtees, to be paid by them out of the Intereſt Money.

AND if any of the Perſons before nominated to be Signers ſhall happen to die, refuſe, or be rendered incapable of doing his or their Duty by this Act required, the Aſſembly, for the Time being, ſhall appoint ſome other Perſon or Perſons in his or their Stead, from Time to Time, until all the Bills hereby directed to be made, be wholly ſigned and numbered as aforeſaid.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Truſtees, after the Receipt of the ſaid new Bills, ſigned and numbered as aforeſaid, or ſome fit Perſon, for whom they ſhall be accountable, ſhall give due Attendance at their Office; and ſhall deliver out the ſame unto ſuch Perſons as ſhall demand them in Exchange for Bills of the ſame Value, which are torn, ragged and defaced, made and emitted by Direction of any former Acts of Aſſembly of this Province, purſuant to the Directions of the ſaid ſeveral Acts. Which ſaid old Bills, ſo to be received by the ſaid Truſtees, ſhall be kept by them for their Vouchers to diſcharge them of ſo much of the aforeſaid *Five Thouſand Pounds* Value in new Bills, as they ſhall have given in Exchange as aforeſaid, before any Committee of Aſſembly appointed, or to be appointed for that Purpoſe; who having duly examined the ſaid old Bills ſo received in Exchange, ſhall cauſe the ſame to be burnt and deſtroyed in their Preſence. And the ſaid Truſtees ſhall be paid for exchanging each *Thouſand Pounds* of the torn and defaced Bills aforeſaid *Fifty-five Shillings*, and ſo in Proportion for any leſſer Quantity, to be defray'd out of the Intereſt Money aforeſaid. Bills ſo ſtruck to be exchanged for old ones.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Truſtees of the General Loan-Office before in this Act nominated and appointed, who ſhall undertake and execute the ſaid Truſt, ſhall each of them have and receive the Sum of *One Hundred Pounds* yearly, and every Year, during their Continuance in the ſaid Truſt. Salary of the Truſtees of the G. L. O.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the new Bills hereby directed to be made and ſigned, and iſſued in Purſuance of this Act, ſhall, in all Reſpects, have the ſame Currency, and be of the ſame Effect in Law and Equity, in reſpect to Payments, Tenders and Diſcharge of all Manner of Debts, Rents, Sum and Sums of Money due, payable, or accruing upon, or by Reaſon of any Mortgage, Bill, Bond, Specialty, Note, Account, Promiſe or Contract whatſoever, to all Intents and Purpoſes, as the Bills of Credit formerly emitted, and now by Law current within this Province. And that any Perſon or Perſons, who ſhall preſume to forge, or counterfeit any of the Bills of Credit, to be made in Purſuance of this Act, or ſhall be aiding or aſſiſting therein, or ſhall enlarge the Value of the Sum expreſſed in any of the ſaid Bills, or ſhall utter, or cauſe to be uttered or offered in Payment, any ſuch Bill or Bills, knowing the ſame to be forged or counterfeited, or the Sum or Value therein altered, with an Intent to defraud any other Perſon; he, ſhe or they, ſo offending, and being thereof legally convicted, ſhall, for every ſuch Offence, incur and ſuffer the ſame Pains and Penalties reſpectively, as Forgers or Counterfeiters of Bills are by former Acts of Aſſembly directed to incur or ſuffer. And the Diſcoverer or Proſecutor, by Virtue of this Act, ſhall be entitled to like Rewards, as by former Acts of Aſſembly is directed, in reſpect to the Bills now current. Bills of Credit good Payment on all Contracts. Penalty on counterfeiting and altering ſuch Bills.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That this Act ſhall be taken and allowed in all Courts and Places within this Province as a publick Act; and all Judges, Juſtices and other Perſons concerned, are hereby required to take Notice thereof accordingly.

Paſs'd *February* 4th, 1748-9. Recorded A. Vol. 3. p. 183.

XV. *An* ACT *for amending the Laws relating to the Partition and Diſtribution of Inteſtates Eſtates.*

Vol. 1. 25.

Preamble.

WHEREAS an Act of General Aſſembly of this Province was paſs'd in the fourth Year of the late Queen *Anne*, intituled, *An Act for the better ſettling Inteſtates Eſtates;* which Act is on Experience found to require Explanations and Amendments: And to theſe Purpoſes, we the Repreſentatives of the Freemen of the ſaid Province, do pray that it may be enacted,

AND BE IT ENACTED by the Honourable *JAMES HAMILTON*, Eſq; Lieutenant Governor of the Province of *Pennſylvania*, and of the Counties of *New-Caſtle*, *Kent* and *Suſſex*, on *Delaware*, under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietors of the ſaid Province and Counties, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That from and after the Publication of this Act, if after the Death of any Father and Mother any of their Children ſhall die inteſtate in their Minority, unmarried, and without Iſſue, but not otherwiſe, the Lands Tenements, Hereditaments and Eſtates, Real and Perſonal, of every ſuch Inteſtate, ſhall be equally divided amongſt the ſurviving Children, and the Repreſentatives of any Child or Children then dead, thoſe Repreſentatives taking only ſuch Part or Share as ſhould have paſſed to the Child or Children they repreſent reſpectively, had they been living, to hold to them, their Heirs, Executors or Adminiſtrators reſpectively, in Severalty for ever; but if the Mother of any Inteſtate Child or Children ſhall be living, then, and in ſuch Caſes, the perſonal Eſtate, ſhall be equally divided between ſuch Mother and the ſurviving Children of her deceaſed Husband, and the Repreſentatives of any Child or Children then dead, in Manner above mentioned, Share and Share alike.

Eſtates of inteſtate Children how to be divided.

Widows to hold their Shares in the Real Eſtate during Life.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Shares or Purparts of Inteſtates Real Eſtates, which (by the Act for ſettling Inteſtates Eſtates aforeſaid) are given to Widows, ſhall be conſtrued and underſtood to be Eſtates for their natural Lives, reſpectively, and not otherwiſe.

Orphans Court to regulate Partitions of Inteſtates Eſtates.

AND to prevent any Doubts which may hereafter ariſe concerning the Manner in which the Partition of Inteſtates Eſtates may be made, BE IT FURTHER ENACTED by the Authority aforeſaid, That it ſhall and may be lawful to the Juſtices of the Orphans Court, of the County in which the Lands and Tenements of Inteſtates ſhall be, upon a Petition to them preſented by any of their Children, if of Age, or by his, her, or their Guardian or Guardians, or next Friends, if under Age, to appoint four or more Perſons, indifferently choſen on Behalf of the Parties; or where the Parties cannot agree, to award an Inqueſt to make Partition according to the Purport and true Meaning of the Act for ſettling Inteſtates Eſtates, herein before mentioned; but ſo nevertheleſs, that due Regard be had to the Amendments made by this Act: And upon the Return to them made by the Perſons ſo to be appointed, or of the Inquiſition ſo to be awarded, to give Judgment, that the Partition thereby made do remain firm and ſtable for ever, and that the Coſts ariſing on ſuch Suit or Suits, be paid by all the Parties concerned.

PROVIDED nevertheleſs, that where any Eſtate in Lands, Tenements and Hereditaments, cannot be divided amongſt all the Children of the Inteſtate, without Prejudice to, or ſpoiling of the whole, the ſame being ſo repreſented and made appear to the Orphans Court of the County where the ſame Lands or Tenements ſhall be, then the ſaid Court may, but not otherwiſe, order the whole to the eldeſt Son, if he ſhall accept it, or any other of the Sons ſucceſſively upon the eldeſt Son's Refuſal, he or they, or ſome Friend for him or them, paying to the other Children of the Inteſtate their equal and proportionable Parts of the true Value of ſuch Lands, Tenements, or Hereditaments, as upon a juſt Appraiſement thereof, purſuant to the Act for ſettling Inteſtates Eſtates aforeſaid is directed, or giving good Security for the Payment thereof in ſome reaſonable Time, as the ſaid Orphans Court ſhall limit and appoint; and the Perſon or Perſons to whom, or for whoſe Uſe, Payment or Satisfaction ſhall be ſo made for their reſpective Parts or Shares of the Deceaſed's Lands by the Heir at Law, or others, in Manner aforeſaid, ſhall be forever barred of all Right, Title or Demand of, in, to, or out of the Inteſtates Lands and Tenements aforeſaid.

Part of a former Act repealed.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That ſo much of the Act of Aſſembly herein before recited, as is herein and hereby altered, or is repugnant to the Proviſions made by this Act, ſhall be, and is hereby repealed, made null and void, any Thing in the ſame Act contained to the contrary thereof notwithſtanding.

PROVIDED NEVERTHELESS, that this Act, and the Matter herein contained, ſhall be deemed, conſtrued, and underſtood, to extend to the Eſtates of Perſons who ſhall die inteſtate after the Publication heteof, and not otherwiſe.

Proviſion for Teſtators Wife married, and Children born after his Will.

AND BE IT FURTHER ENACTED by by the Authority aforeſaid, That where any Perſon ſhall at any Time hereafter make his laſt Will and Teſtament, and afterwards marry, or have a Child or Children not named in any ſuch Will, and die, altho' ſuch Child or Children be born after the Death of their Father, every ſuch Perſon, ſo far as ſhall regard the Wife after married, or the Child or Children after born, ſhall be deemed and conſtrued to die inteſtate; and ſuch Wife, Child or Children,

ſhall

ſhall be intitled to like Purparts, Shares and Dividends, of the Eſtate real and perſonal of the Deceaſed, as if he had actually died without any Will.

Paſſed *Feb.* 4th, 1748-9. Recorded A. Vol. . p. 192.

XVI. *An* ACT *to regulate Horſe-Jockeys, and Dealers in Horſes; and to prevent the bringing into this Province, for Sale, ſuch as are ſmall, unſizeable or unſound.*

Paſſed *Feb.* 4th, 1748-9.---*Expired.*---Recorded A. Vol. 3. p. 195.

XVII. *An* ACT *to encourage the Killing of Squirrels within this Province.*

Paſſed *Feb.* 4th, 1748-9.---*Expired.*---Recorded A. Vol. 3. p. 190.

XVIII. *An* ACT *for erecting Part of the Province of* Pennſylvania, *Weſtward of* Saſquehannah, *and South-Eaſtward of the* South-Mountain, *into a County.*

WHEREAS a great Number of the Inhabitants of the Weſtern Part of *Lancaſter* County, have, by their Petition, humbly repreſented to the Governor and Aſſembly of this Province, the great Hardſhips they lie under, by being at ſo great a Diſtance from the Borough of *Lancaſter*, where the Courts of Juſtice are held, and the Publick Offices are kept; and how hard and difficult it is for the ſober and quiet Part of the Inhabitants of that Part of the County, to ſecure themſelves againſt Theſts and Abuſes, frequently committed amongſt them, by idle and diſſolute Perſons, who reſort to the remote Parts of the Province, and, by Reaſon of the great Diſtance from the Court or Priſon, frequently find Means of making their Eſcapes. For remedying of which Inconveniencies, and Relief of the Inhabitants in the Premiſes, Preamble.

BE IT ENACTED by the Honourable *JAMES HAMILTON, Eſq;* Lieutenant Governor, under the Honourable THOMAS PENN, and RICHARD PENN, *Eſquires*, true and abſolute Proprietaries of the Province of *Pennſylvania*, and of the Counties of *Newcaſtle, Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, that all and ſingular the Lands lying within the Province of *Pennſylvania* aforeſaid, to the Weſt-ward of the River *Suſquehannah*, and Southward and Eaſtward of the *South-Mountain*, be erected into a County; and the ſame is hereby erected into a County, named, and henceforth to be called, *YORK:* bounded Northward and Weſtward, by a Line to be run from the ſaid River *Suſquehannah*, along the Ridge of the ſaid *South-Mountain*, until it ſhall interſect the *Maryland* Line, Southward by the ſaid *Maryland* Line, and Eaſtward by the ſaid River *Suſquehannah*. Boundaries of the County of YORK.

AND BE IT FURTHER ENACTED by the Authoity aforeſaid, That the Inhabitants of the ſaid County, ſhall, at all Times hereafter, have and enjoy all and ſingular the Juriſdictions, Powers, Rights, Liberties and Privileges whatſoever, which the Inhabitants of any other County within the ſaid Province do, may, or ought to enjoy, by any Charter of Privileges, or the Laws of this Province, or by any other Ways or Means whatſoever; excepting only in the Number of Repreſentatives to ſerve in General Aſſembly of this Province; in which Caſe it is PROVIDED, AND FURTHER ENACTED by the Authority aforeſaid, That until it ſhall be otherwiſe ordered by the Governor and Aſſembly of this Province, the Freemen and Inhabitants of the ſaid County, qualified by the Laws of this Province to elect, ſhall annually meet at or near the Place where the Court-houſe is intended to be built for the ſaid County, at the ſame Time the Inhabitants of the other Counties of this Province ſhall meet for like Purpoſes, and there proceed to chuſe Inſpectors, and to elect two Repreſentatives, or Delegates, to ſerve them in Aſſembly, in the ſame Manner as by the Charter and Laws of this Province is directed in reſpect to other Counties; which ſaid two Repreſentatives, when ſo choſen, ſhall be Members of the General Aſſembly of the Province of *Pennſylvania*, and ſit and act as ſuch, as fully and freely as any of the Repreſentatives for the other Counties within this Province do, may, can, or ought to do. the Inhabitants thereof to elect two Repreſentatives in Aſſembly.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all Taxes already laid within the Bounds of the ſaid County of *York*, by Virtue of any Act of General Aſſembly of this Province, which are not already paid, ſhall be collected by the reſpective Collectors within the Bounds aforeſaid, and paid into the Hands of the Treaſurer of *Lancaſter* County; and that all Perſons concerned in the levying, receiving and paying, the ſaid Taxes, ſhall have the ſame Power and Authority, and be under the ſame Penalties and Reſtrictions, for collecting and paying the ſame, as by the ſaid Acts, by which the ſaid Taxes were aſſeſſed, are expreſſed and directed, until the whole be collected and paid as aforeſaid.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, that the Juſtices of the Supream Court of this Province, ſhall have like Powers, Juriſdictions and Authorities, within the ſaid Counties of *Lancaſter* and *York*, as by Law they are veſted with, and intitled unto, in the other Counties, within the Province aforeſaid; and are hereby authorized and impowered from Time to Time, to deliver the Goals of the ſaid Counties of capital or other Offenders, in like Manner as they are authorized to do in other the Counties aforeſaid. Juriſdiction of the Supream Court and County Court eſtabliſhed.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That there ſhall be a competent Number of Juſtices, nominated and authorized by the Governor for the Time being, by Commiſſions under the Broad Seal of the Province; which ſaid Juſtices, or any three of them, ſhall and may hold Courts of General Quarter Seſſions of the Peace and Goal Delivery, and County Courts for holding of Pleas; and ſhall have all and ſingular the Powers, Rights, Juriſdictions and Authorities, to all Intents and Purpoſes, as other the Juſtices of Courts of General Quarter Seſſions, and Juſtices of the County Courts for holding of Pleas, in the other Counties aforeſaid, may, can or ought to have, in their reſpective Counties; which ſaid Courts ſhall ſit and be held for the ſaid County of *York* on the laſt Third Day of the Week, commonly called *Tueſday*, in every of the Months called *April, July, October* and *January*, in every Year, at ſome proper Place

Place within the ſaid County, until a Court-houſe ſhall be built; and when the ſame is built and erected in the County aforeſaid, the ſaid ſeveral Courts ſhall then be holden and kept at the ſaid Court-houſe, on the Days before mentioned. And the Election of Repreſentatives to ſerve in General Aſſembly, Aſſeſſors, and all other Officers of the ſaid County, who are or ſhall be appointed to be annually elected, ſhall be made and elected, at or near the ſaid Court houſe, at the ſame Time, and in the ſame Manner, as by the Charter of Privileges, and Laws of the Province aforeſaid, is directed to be done in the other Counties within this Province. And it ſhall be lawful for the Freemen of the ſaid County, for the firſt Year, to chuſe three Commiſſioners for raiſing County Rates and Levies for the ſaid County.

Truſtees for building a Court-houſe and Priſon.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That it ſhall and may be lawful to and for *Thomas Cox*, *Michael Tanner*, *George Swoope*, *Nathan Huſſey*, and *John Wright* junior, all of the County aforeſaid, Yeomen, or any three of them, to purchaſe, and take Aſſurance to them and their Heirs, of a Piece of Land, ſituate in ſome convenient Place in the ſaid County, to be approved of by the Governor, in Truſt, and for the Uſe of the Inhabitants of the ſaid County, and thereon to erect and build a Court-houſe and Priſon, ſufficient to accommodate the Publick Service of the ſaid County, and for the Eaſe and Conveniency of the Inhabitants.

Charges thereof to be aſſeſſed on the Inhabitants.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, that for the defraying the Charges of purchaſing the Land, building and erecting the Court-houſe and Priſon aforeſaid, it ſhall and may be lawful to and for the Commiſſioners and Aſſeſſors of the ſaid County, or a Majority of them, to aſſeſs and levy, and they are hereby required to aſſeſs and levy ſo much Money as the ſaid Truſtees, or any three of them, ſhall judge neceſſary for purchaſing the Land, and finiſhing the ſaid Court-houſe and Priſon; PROVIDED ALWAYS, the Sum of Money ſo to be raiſed, does not exceed *Three Hundred Pounds*, current Money of this Province.

Suits commenced in Lancaſter to be proſecuted there.

PROVIDED, alſo, and be it further ENACTED by the Authority aforeſaid, That no Action or Suit now commenced or depending in the County of *Lancaſter* againſt any Perſon living within the Bounds of the ſaid County of *York*, or elſewhere, ſhall be ſtayed or diſcontinued by this Act, or by any Thing herein contained; but that the ſame Actions already commenced, or depending may be proſecuted, and Judgment thereupon rendered, as if this Act had not been made: And that it ſhall and may be lawful for the Juſtices of *Lancaſter* County to iſſue any judicial Proceſs, to be directed to the Sheriff of *Lancaſter* County, for carrying on and obtaining the Effect of their Suits; which Sheriff ſhall be, and is hereby obliged to yield Obedience in executing the ſaid Writs, and make due Return thereof before the Juſtices of the ſaid Court of the ſaid County of *Lancaſter*, as if the Parties were living and reſiding within the ſame.

Collector of Exciſe appointed.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That *David M'Conaughy*, of the ſaid County of *York*, be, and hereby is appointed Collector of the Exciſe of the ſaid County, who is hereby authorized and impowered, by himſelf, or his ſufficient Deputy, duly conſtituted, and for whom he ſhall be accountable, to demand, collect, receive and recover the Exciſe, appointed to be paid by any Act and Acts of Aſſembly of this Province, and alſo the Arrearages thereof, of and from all and every Perſon and Perſons within the ſaid County, retailing or vending any of the Liquors by the ſaid Acts liable to pay the ſame; and alſo to recover and receive all and every the Duties, Fines and Forfeitures, laid or impoſed, or that ſhall happen to ariſe or become due for any Thing done contrary to the true Intent and Meaning of the ſaid Acts.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Collector of Exciſe for the County of *York* aforeſaid, the better to enable himſelf to recover the Arrearages of Exciſe now due, or which ſhall become due before the Publication of this Act, ſhall apply to the Collector of Exciſe for the County of *Lancaſter* for a Liſt, which he is hereby enjoined and required to deliver, containing the Names of each and every Perſon in Arrear for Exciſe within the ſaid County of *York*, and how much from each of them.

To give Bond.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Collector of the County of *York* aforeſaid, before he enters on the Execution of his ſaid Office, is hereby required, to give Bond with two ſufficient Sureties to the Treaſurer of this Province for the Time being, in the Sum of One Hundred Pounds, lawful Money of the Province aforeſaid, for the faithful Diſcharge of his Duty, and paying all ſuch Sums of Money as he ſhall from Time to Time receive by Virtue of this Act. And further, the Collector of the ſaid County of *York*, ſhall in all Things govern himſelf, and be ſubject to the ſame Regulations, Reſtrictions, Fines and Forfeitures, and ſhall obſerve like Rules, Orders, and Directions, as the Collectors of other the Counties aforeſaid, by the Laws of this Province, are liable to. And the ſaid Collector, for the Diſcharge of the Duty of his Office within the ſaid County of *York*, ſhall have and receive like Fees, Perquiſites and Rewards, for his Services, enjoined by this Act, as other the Collectors aforeſaid, (*Philadelphia* excepted) by the Acts aforeſaid are entitled unto, for the Services enjoined them by the Acts aforeſaid.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That until a Sheriff and Coroner ſhall be choſen in the County of *York* in Purſuance of this Act, it ſhall and may be lawful for the Sheriff and Coroner of *Lancaſter*, to officiate and act in the Diſcharge of their reſpective Duties, as fully and amply as they might and ought to have done, if this Act had not been made: One of whom or his Deputy, ſhall attend and diſcharge the Duty of his Office, according to the Laws of this Province, at the next Election at *Lancaſter*, and the other of them, or his Deputy, ſhall attend and diſcharge the Duty of his Office, in like Manner, at the firſt Election next to be held in the County of *York* aforeſaid, in Purſuance of the Directions of this Act.

Paſs'd *Auguſt* 19*th*, 1749. Recorded A Vol. 3. p. 177.

XIX. *A* SUPPLEMENT *to the Act intituled, An* ACT *for impoſing a Duty on Perſons convicted of heinous Crimes, and to prevent poor and impotent Perſons being imported into this Province.* Paſſed *Auguſt* 19th, 1749. ---*Repealed.*--- Recorded A. Vol. III. p. 209.

XX. *An* ACT *for amending the Laws relating to the Poor.*

WHEREAS divers Perſons within this Province, by their laſt Wills, or otherwiſe, may hereafter deviſe, bequeath, or give Lands, Tenements, or Sums of Money, to the Uſe of the Poor, and Queſtions may ariſe, whether the Overſeers of the Poor can take by ſuch Gifts, Deviſes or Bequeſts, or maintain Actions for the ſame?

Preamble

BE IT THEREFORE ENACTED by the Honourable *JAMES HAMILTON*, Eſq, Lieutenant Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *Newcaſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That all Gifts, Grants, Deviſes and Bequeſts, hereafter to be made, of any Houſes, Lands, Tenements, Rents, Goods, Chattels, Sum or Sums of Money, not exceeding the yearly Value of Five Hundred Pounds, to the Poor of any City, Borough, or Townſhip, within this Province, or to any other Perſon or Perſons for their Uſe, by Deed, or by the laſt Will and Teſtament, of any Perſon or Perſons, or otherwiſe, howſoever, ſhall be good and available in Law, and ſhall paſs ſuch Houſes, Lands, Tenements, Rents, Goods and Chattels. to the Overſeers of the Poor of ſuch City, Borough and Townſhip, for the Uſe of their Poor reſpectively.

Lands, &c. given by Deed or Will to the Poor, *&c.* ſhall paſs.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Overſeers of the Poor for the ſeveral Townſhips, City and Boroughs aforeſaid, for the Time being reſpectively, ſhall for ever hereafter in Name and in Fact be, and they are hereby declared to be, Bodies politic and corporate in Law, to all Intents and Purpoſes, and ſhall have perpetual Succeſſion, and by the Name of *Overſeers of the Poor* of the ſaid reſpective Townſhips, City or Boroughs, may ſue and be ſued, and plead, or be impleaded, in all Courts of Judicature within this Province, and by that Name ſhall and may purchaſe, take or receive any Lands, Tenements or Hereditaments, not exceeding the yearly Value of Five Hundred Pounds, and alſo any Goods or Chattels whatſoever, to and for the Uſe and Benefit of the Poor of each of the ſaid Townſhips, City or Boroughs, reſpectively, of the Gift, Alienation or Deviſe of any Perſon or Perſons whomſoever, to hold to them the ſaid Overſeers, and their Succeſſors in the ſaid Truſt, for the Uſe of the ſaid Poor reſpectively for ever.

Overſeers of the Poor incorporated.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the *Overſeers of the Poor* of the ſeveral Townſhips within every of the Counties within this Province, in all future Rates and Aſſeſſments to be made for the Support of the Poor in their reſpective Townſhips, ſhall rate and aſſeſs all Perſons according to their Eſtates they have in the Townſhip, which ſhall not exceed the Rates and Aſſeſſments made by the County Aſſeſſors reſpectively.

Shall aſſeſs the Inhabitants.

AND WHEREAS ſome Doubts have ariſen on the Act of Aſſembly paſt in the Eighth Year of the preſent Reign, intituled, *A Supplement to the ſeveral Acts of Aſſembly of this Province for the Relief of the Poor*, whether indented healthy Servants, legally imported or brought into the ſaid Province, and coming directly from *Europe*, can by the ſaid Act acquire a legal Settlement within the City of *Philadelphia*, or within any of the Townſhips aforeſaid, altho' they duly ſerve therein for the Space of one Year or upwards, within the ſaid City or Townſhips reſpectively, unleſs the Maſter or Miſtreſs of ſuch Servants, or the Servants themſelves, ſhall give Notice in Writing to the Overſeers of the Poor, where they are come to reſide? For removing of which Doubts, BE IT ENACTED by the Authority aforeſaid, That all and every ſuch Servant or Servants, ſo legally and immediately imported or brought from *Europe* into the City of *Philadelphia*, or any of the Townſhips aforeſaid, and ſhall duly ſerve his or her Maſter or Miſtreſs for the Space of one Year; then, and in every ſuch Caſe, every ſuch Servant and Servants ſhall, and are hereby declared to acquire a legal Settlement in the ſaid City or Townſhip where ſuch Service is performed, without giving any ſuch Notice as is herein before mentioned, any Thing in the Act of Aſſembly aforeſaid contained to the contrary notwithſtanding. But if at any Time afterwards, during the Time for which any ſuch Servant is or ſhall be bound, his or her Maſter or Miſtreſs, ſhall ſell or aſſign over the Time of ſuch Servant or Servants, to any other Perſon or Perſons dwelling in any other Townſhip or Place than that wherein ſuch Servant on their firſt Importation into the Province aforeſaid were bound or aſſigned over, every ſuch Maſter and Miſtreſs, and their Servants, are hereby declared to be within the Meaning of the ſaid Act of Aſſembly, and ſhall give the Notice thereby directed, or otherwiſe ſhall be liable to the Pains and Penalties therein contained.

Servants from Europe acquire a legal Settlement in the Place where they ſerved one Year.

Of Servants aſſigned coming in another Townſhip Notice to be given to the Overſeers.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Overſeers of the Poor within the ſaid City and Townſhips reſpectively, ſhall provide and keep Books, in which they ſhall make fair Entries of the Names of all ſuch Perſons, who in Purſuance of the ſaid Act ſhall give to them the Notices thereby directed; and for each Entry ſo to be made, they ſhall receive *Six-pence*, and no more; which Books, at the Times of their going out of the ſaid Offices, they ſhall deliver to ſuch who ſhall ſucceed them therein, for the like Purpoſes, under the Penalty of *Twenty Shillings* to every of the ſaid Overſeers who ſhall neglect or refuſe the Duty herein enjoined them. The one Half thereof to the Uſe of the Poor, of the ſaid City or Townſhips reſpectively, and the other Half to him or them who ſhall ſue for the ſame, before any one of the Juſtices of the County in which the Offence ſhall be committed, to be recovered with full Coſts of Suit.

Overſeers to keep Books.

Entry-Fees.

Books to be delivered to their Succeſſors.

Recital of the Title of the Alms-house in Philadelphia.

AND WHEREAS by an Act intituled, *An Act for emitting Thirty Thousand Pounds in Bills of Credit* &c. past in the Second Year of the present Reign, One Thousand Pounds in the said Bills was lent to the Mayor and Commonalty of the said City, for purchasing a convenient Piece of Ground for building an Alms-house thereon, for accommodating the Poor of the said City; and the said Sum so lent was to be repaid, and the Bills of Credit so borrowed sunk, by Taxes to be laid on the Inhabitants of the said City for that Purpose. And whereas, in Pursuance of the said Act, a Purchase was made of *William Allen*, Esq; of a Piece of Ground, commonly called a Square, situate in *Philadelphia*, containing in Length, Four Hundred and Sixty-eight Feet, and in Breadth, Three Hundred and Ninety-six Feet; bounded Eastward with *Third-street*, Southward with *Pine-street*, Westward with *Fourth-street*, and Northward with *Spruce-street*, to hold to the Mayor and Commonalty of the said City of *Philadelphia*, and their Successors, for ever, as by Indentures of Lease and Release from the said *William Allen* to the said Mayor and Commonalty, bearing Date respectively the Ninth and Tenth Days of *April*, 1732, may appear; which Indentures so made, were nevertheless in Trust for the Benefit of the Inhabitants of the City aforesaid, to build an Alms-house thereon for the Use of the Poor of the said City, and to be for such other publick Uses as the said Inhabitants should think fitting. And whereas an Alms-house and other Buildings have been erected on the Premises, at the Expence of the said Inhabitants, to accommodate the Poor of the said City, and divers Parts of the said Square yet remain, which might be granted out on a considerable yearly Rent, and the Taxes usually raised on the said Inhabitants thereby much lessened.

Power for the Mayor, &c. to lett Part of the Alms-house Square on Ground-Rent.

THEREFORE BE IT ENACTED by the Authority aforesaid, That it shall and may be lawful for the Mayor, Recorder and Aldermen, of the City of *Philadelphia*, or a Majority of them, of which the Mayor for the Time being shall be one, together with the Assessors of the said City, or a Majority of them; and they are hereby required to grant, bargain and sell, for the best annual Rent that can be had for the same, but not otherwise, unto any Person or Persons who shall be willing to purchase the same, and to his, her or their Heirs and Assigns for ever, such Part and Parts of the Square aforesaid as to them shall seem fitting; so always as not to incommode the Alms-house and Buildings thereunto belonging, or such as may hereafter be erected. And reserving on every such Sale the best annual Rent, as aforesaid, to be made chargeable on the Ground to be sold, payable to the *Overseers of the Poor* of the said City, and their Successors in the said Trust, for the Use of the Poor of the said City, with Covenants therein to be contained, to erect within some reasonable Time, a good substantial Brick or Stone House on the Premises, of at least two Stories in Height.

to be received by the Overseers.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful to and for the said *Overseers of the Poor*, and their Successors in the said Trust, to collect and receive the Rents of the Ground so to be bargained and sold of the Persons to whom the same shall be so sold, and of their Heirs, Executors, Administrators or Assigns; and on Neglect or Refusal, to pay the same, or any Part thereof, as it shall become due, to distrain or bring Actions of Debt for the Rents so in Arrear in any Court of Record to be held in the County of *Philadelphia*, to be recovered with Costs of Suit: Which Rents and Sums of Money, when received, shall from Time to Time be applied towards the Maintenance, Employing and setting to Work of the Poor of the said City, and lessening the Taxes usually raised for that Purpose.

Overseers to appoint Collectors of the Poor Tax.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for the *Overseers of the Poor* of the City of *Philadelphia*, to appoint one or more fit Person or Persons to be Collector or Collectors of the Rates aforesaid, who shall receive for his or their Trouble and Service in collecting the same, *Nine Pence* in the Pound. And for the better collecting of the said Tax, and enabling the said Collectors to perform the Duties enjoined by this Act, the said Overseers shall apply to the Mayor, Recorder, or any two Aldermen of the said City, for a Warrant under their Hands and Seals to be annexed to their said Duplicates, requiring them the said Collectors forthwith to collect and receive from the Persons assessed, the several Sums in their Duplicates respectively mentioned, and thereby authorizing them, on the Neglect or Refusal of any Person or Persons so assessed, for the Space of ten Days, to levy the same by Distress and Sale of the Delinquents Goods and Chattels, or for want thereof, to imprison their Bodies, in like Manner as by the Act for raising of County Rates and Levies is provided in respect to the Assessments thereby made; which said Warrants they the said Mayor, Recorder or Aldermen, are hereby authorized and required to grant. And the Collector or Collectors so to be appointed, shall from Time to Time have the Duplicates of the Assessments so made, delivered to him or them by the said Overseers, directing them the said Collectors to demand of the Parties the respective Sums of Money wherewith they are chargeable; which said Sums of Money the Collector or Collectors shall, so soon as they receive the same immediately pay to the said Overseers, whose Receipts shall be the Collectors sufficient Discharges. And if the said Collectors, or any of them, shall refuse or neglect to collect the said Assessments respectively, or any Part thereof, and pay the same to the *Overseers of the Poor*, when required thereunto, so as to complete and pay in the whole Sum in his Duplicate in three Months after his receiving the same (such Deficiencies as the Mayor, Recorder and Aldermen, of the City aforesaid, shall allow of, only deducted) every such Collector so refusing or neglecting, shall forfeit and pay to the said Overseers for the Use of the Poor, *Five Pounds*, and shall also pay all the Arrearages of such Assessment, which he was appointed to collect; which shall be levied by a Warrant under the Hand and Seal of the Mayor for the Time being, or Recorder, or any Alderman of the said City, directed to the Sheriff of the County of *Philadelphia*, who is hereby impowered and obliged to execute such Warrant upon the Goods and Chattels of the Party so offending. And in Case Goods and Chattels sufficient to make Satisfaction cannot be found, then to imprison such Offender until Payment made. And every Collector being so levied on, and having made full Satisfaction as aforesaid, is hereby impowered to levy for his own Use upon all such as shall refuse or neglect to pay the said Arrearages.

Penalty on Collectors not performing their Duty.

AND

AND WHEREAS the employing ſuch of the Poor of the City of *Philadelphia* as are able to work, but likely otherwiſe to become chargeable, as well as employing thoſe who are or may be in the Alms-Houſe, will be of great Service, and help to eaſe the Inhabitants of the Taxes aſſeſſed for the Relief of the Poor of the ſaid City. And the *Overſeers of the Poor*, from the Nature of their Office, having the beſt Opportunity of being acquainted with the Circumſtances and Abilities of the Poor throughout the ſaid City, and being frequently at the Alms-Houſe, are acquainted with the Abilities and Circumſtances of the Poor therein: BE IT ENACTED by the Authority aforeſaid, That the *Overſeers of the Poor* of the City of *Philadelphia*, or ſome fit Perſon by them to be appointed, and who ſhall be accountable to them from Time to Time, ſhall have full Power and Authority, and are hereby ſtrictly enjoined and required to purchaſe Junk, Hemp, Flax, Wool, Yarn, Worſted, or any other proper Materials for employing and keeping poor Perſons to work, and diſtribute and give out ſuch Quantities thereof as they ſee fit, to ſuch poor Perſons in the ſaid City as are likely to become chargeable for want of Employment, and to employ ſuch Perſons in manufacturing the ſame, and to make them a reaſonable Allowance for their Labour. Overſeers to ſet the Poor to work.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That every Perſon hereafter to be appointed Keeper of the Alms-Houſe, ſhall give Bond to the Overſeers of the Poor of the ſaid City, with ſufficient Sureties for the due and faithful Execution of his Office, and for the Care and good Management of what ſhall be committed to his Truſt; and ſhall keep juſt and true Accounts of all Materials, Bedding, Goods, and other Things, brought into the ſaid Alms-Houſe, and of the Work done there, and ſhall be accountable to the Overſeers for the ſame; any Law, Uſage or Cuſtom of this Province to the contrary nothwithſtanding. Keeper of the Alms-Houſe his Duty,

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all and every the Overſeers of the Poor of the City of *Philadelphia*, ſhall, at their going out of their Office, render a fair and true Account to the Mayor, Recorder and Aldermen, at their Seſſions of the Peace in *April*, yearly, and every Year, of all the Moneys, Goods and Effects, receiv'd by them, or which have come to their Hands or Poſſeſſion for the Uſe of the Poor, and of the Produce of the Labour of the Poor under their Care, or who have been employed by them; and how the ſame hath been applied or diſpoſed of; and alſo what remains in their Hands, and what Stock, Materials or other Things remain in the Alms-Houſe, and what Stock and Materials remain in the Hands of the Poor out of the Alms-Houſe under their Employ, and ſhall pay and deliver the ſame to the ſucceeding Overſeers. And if the ſaid Overſeers, or any of them, ſhall neglect or refuſe to render ſuch Account, or to pay and deliver ſuch Moneys or Effects as aforeſaid, it ſhall and may be lawful to and for the Mayor, Recorder and Aldermen, to commit ſuch Overſeer or Overſeers to the County Goal, until ſuch Overſeer or Overſeers ſhall render a true and fair Account, and pay and deliver ſuch Moneys, Goods, and Effects, as aforeſaid; and further, That they the ſaid Overſeers of the Poor of the ſaid City, ſhall be obliged to perform the ſame Duties, and be ſubject to the ſame Penalties, as by this and former Acts of Aſſembly, with Regard to the City aforeſaid, are directed and inflicted. Overſeers at *Philadelphia* to render yearly Account of the Mayor, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That ſo much of the Act entituled, *An Act for the Relief of the Poor*; and other Acts of Aſſembly ſince made, as are repugnant to the Proviſions made by this Act, are hereby repealed, made null and void; but as to every other Part of the ſame, Acts, that they be and remain in full Force and Virtue, as if this Act had not been made.

Paſs'd *Auguſt* 19*th*, 1749. Recorded A Vol. 3. p. 176.

XXI. *An* ACT *for erecting Part of the Province of* Pennſylvania, *Weſtward of* Saſquehannah, *and Northward and Weſtward of the County of* York, *into a County.*

WHEREAS a great Number of the Inhabitants of the Weſtern Part of *Lancaſter* County, have, by their Petition, humbly repreſented to the Governor and Aſſembly of this Province, the great Hardſhips they lie under, by being at ſo great a Diſtance from the Borough of *Lancaſter*, where the Courts of Juſtice are held, and the Publick Offices are kept; and how hard and difficult it is for the ſober and quiet Part of the Inhabitants of that Part of the County to ſecure themſelves againſt Thefts and Abuſes, frequently committed amongſt them, by idle and diſſolute Perſons, who reſort to the remote Parts of the Province, and, by Reaſon of the great Diſtance from the Court or Priſon, frequently find Means of making their Eſcapes. For remedying of which Inconveniencies, and Relief of the Inhabitants in the Premiſes, Preamble.

BE IT ENACTED by the Honourable *JAMES HAMILTON, Eſq;* Lieutenant Governor, under the Honourable THOMAS PENN, and RICHARD PENN, *Eſquires*, true and abſolute Proprietaries of the Province of *Pennſylvania*, and of the Counties of *Newcaſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, that all and ſingular the Lands lying within the Province of *Pennſylvania* aforeſaid, to the Weſtward of *Saſquehannah*, and Northward and Weſtward of the County of *York*, be, and hereby are erected into a County, named, and hereafter to be called CUMBERLAND, bounded Northward and Weſtward with the Line of the Province, Eaſtward partly with the River *Saſquehannah*, and partly with the ſaid County of *York*, and Southward, in part by the ſaid County of *York*, and part by the Line dividing the ſaid Province from that of *Maryland*. Boundaries of the County of Cumberland.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Inhabitants of the ſaid County, ſhall, at all Times hereafter, have and enjoy all and ſingular the Juriſdictions, Powers, Rights, Liberties and Privileges whatſoever, which the Inhabitants of any other County within the ſaid Province do, may, or ought to enjoy, by any Charter of Privileges, or the Laws of this Province, or by any other Ways or Means whatſoever: excepting only in the Number of Repreſentatives to ſerve in General Aſſembly of this Province; in which Caſe it is PROVIDED, AND FURTHER ENACTED

ED by the Authority aforeſaid, That until it ſhall be otherwiſe ordered by the Governor and Aſſembly of this Province, the Freemen and Inhabitants of the ſaid County, qualified by the Laws of this Province to elect, ſhall annually meet at or near the Place where the Court-houſe is intended to be built for the ſaid County, at the ſame Time the Inhabitants of the other Counties of this Province ſhall meet for like Purpoſes, and there proceed to chuſe Inſpectors, and to elect two Repreſentatives, or Delegates, to ſerve them in Aſſembly, in the ſame Manner as by the Charter and Laws of this Province is directed in reſpect to other Counties; which ſaid two Repreſentatives, when ſo choſen, ſhall be Members of the General Aſſembly of the Province of *Pennſylvania*, and ſit and act as ſuch, as fully and freely as any of the Repreſentatives for the other Counties within this Province do, may, can, or ought to do.

the Inhabitants thereof to elect two Repreſentatives in Aſſembly.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all Taxes already laid within the Bounds of the ſaid County of *Cumberland* by Virtue of any Act of General Aſſembly of this Province, which are not already paid, ſhall be collected by the reſpective Collectors within the Bounds aforeſaid, and paid into the Hands of the Treaſurer of *Lancaſter* County; and that all Perſons concerned in the levying, receiving and paying the ſaid Taxes, ſhall have the ſame Power and Authority, and be under the ſame Penalties and Reſtrictions, for collecting and paying the ſame, as by the ſaid Acts, by which the ſaid Taxes were aſſeſſed, are expreſſed and directed, until the whole be collected and paid as aforeſaid.

Jurisdiction of the Supream Court and County Court eſtabliſhed.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, that the Juſtices of the Supream Court of this Province, ſhall have like Powers, Juriſdictions and Authorities, within the ſaid County of *Cumberland*, as by Law they are veſted with, and intitled unto, in the other Counties, within the Province aforeſaid; and are hereby authorized and impowered from Time to Time, to deliver the Goal of the ſaid County of capital or other Offenders, in like Manner as they are authorized to do in other the Counties aforeſaid.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That there ſhall be a competent Number of Juſtices, nominated and authorized by the Governor for the Time being, by Commiſſions under the Broad Seal of the Province; which ſaid Juſtices, or any three of them, ſhall and may hold Courts of General Quarter Seſſions of the Peace and Goal Delivery, and County Courts for holding of Pleas; and ſhall have all and ſingular the Powers, Rights, Juriſdictions and Authorities, to all Intents and Purpoſes, as other the Juſtices of Courts of General Quarter Seſſions, and Juſtices of the County Courts for holding of Pleas, in the other Counties aforeſaid, may, can or ought to have, in their reſpective Counties; which ſaid Courts ſhall ſit and be held for the ſaid County of *Cumberland* on the third Day of the Week, commonly called *Tueſday*, next preceding the Courts held for the County of *York*, in the Months called *April*, *July*, *October* and *January*, in every Year, at ſome proper Place within the ſaid County, until a Court-houſe ſhall be built; and when the ſame is built and erected in the County aforeſaid, the ſaid ſeveral Courts ſhall then be holden and kept at the ſaid Court-houſe, on the Days before mentioned. And the Election of Repreſentatives to ſerve in General Aſſembly, Aſſeſſors, and all other Officers of the ſaid County, who are or ſhall be appointed to be annually elected, ſhall be made and elected, at or near the ſaid Court-houſe, at the ſame Time, and in the ſame Manner, as by the Charter of Privileges, and Laws of the Province aforeſaid, is directed to be done in the other Counties within this Province. And it ſhall be lawful for the Freemen of the ſaid County, for the firſt Year, to chuſe three Commiſſioners for raiſing County Rates and Levies for the ſaid County.

Truſtees for building a Court-houſe and Priſon.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That it ſhall and may be lawful to and for *Robert M'Coy*, *Benjamin Chambers*, *David Magaw*, *James M'Entire*, and *John M'Cormick*, all of the County aforeſaid, Yeomen, or any three of them, to purchaſe, and take Aſſurance to them and their Heirs, of a Piece of Land, ſituate in ſome convenient Place in the ſaid County, to be approved of by the Governor, in Truſt, and for the Uſe of the Inhabitants of the ſaid County, and thereon to erect and build a Court-houſe and Priſon, ſufficient to accommodate the Publick Service of the ſaid County, and for the Eaſe and Conveniency of the Inhabitants.

Charges thereof to be aſſeſſed on the Inhabitants.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, that for the defraying the Charges of purchaſing the Land, building and erecting the Court-houſe and Priſon aforeſaid, it ſhall and may be lawful to and for the Commiſſioners and Aſſeſſors of the ſaid County, or a Majority of them, to aſſeſs and levy, and they are hereby required to aſſeſs and levy ſo much Money as the ſaid Truſtees, or any three of them, ſhall judge neceſſary for purchaſing the Land, and finiſhing the ſaid Court-houſe and Priſon; PROVIDED ALWAYS, the Sum of Money ſo to be raiſed, doth not exceed *Three Hundred Pounds*, current Money of this Province.

Suits commenced in Lancaſter to be proſecuted there.

PROVIDED, alſo, and be it further ENACTED by the Authority aforeſaid, That no Action or Suit now commenced or depending in the County of *Lancaſter* againſt any Perſon living within the Bounds of the ſaid County of *Cumberland* or elſewhere, ſhall be ſtayed or diſcontinued by this Act, or by any Thing herein contained; but that the ſame Actions already commenced, or depending may be proſecuted, and Judgment thereupon rendered, as if this Act had not been made: And that it ſhall and may be lawful for the Juſtices of *Lancaſter* County to iſſue any judicial Proceſs, to be directed to the Sheriff of *Lancaſter* County, for carrying on and obtaining the Effect of their Suits; which Sheriff ſhall be, and is hereby obliged to yield Obedience in executing the ſaid Writs, and make due Return thereof before the Juſtices of the ſaid Court of the ſaid County of *Lancaſter*, as if the Parties were living and reſiding within the ſame.

Collector of Exciſe appointed.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That *Benjamin Chambers* of the ſaid County of *Cumberland*, be, and hereby is appointed Collector of the Exciſe of the ſaid County who is hereby authorized and impowered, by himſelf, or his ſufficient Deputy, duly conſtituted, and for whom he

he ſhall be accountable, to demand, collect, receive and recover the Exciſe, appointed to be paid by any Act or Acts of Aſſembly of this Province, and alſo the Arrearages thereof, of and from all and every Perſon and Perſons within the ſaid County, retailing or vending any of the Liquors by the ſaid Acts liable to pay the ſame; and alſo to recover and receive all and every the Duties, Fines and Forfeitures, laid or impoſed, or that ſhall happen to ariſe or become due for any Thing done contrary to the true Intent and Meaning of the ſaid Acts.

Collector of Lancaſter to give a Liſt.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Collector of Exciſe for the County of *Cumberland* aforeſaid, the better to enable himſelf to recover the Arrearages of Exciſe now due, or which ſhall become due before the Publication of this Act, ſhall apply to the Collector of Exciſe for the County of *Lancaſter* for a Liſt, which he is hereby enjoined and required to deliver, containing the Names of each and every Perſon in Arrear for Exciſe within the ſaid County of *Cumberland*, and how much from each of them.

To give Bond.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Collector of the County of *Cumberland* aforeſaid, before he enters on the Execution of his ſaid Office, is hereby required, to give Bond with two ſufficient Sureties to the Treaſurer of this Province for the Time being, in the Sum of One Hundred Pounds, lawful Money of the Province aforeſaid, for the faithful Diſcharge of his Duty, and paying all ſuch Sums of Money as he ſhall from Time to Time receive by Virtue of this Act. And further, the Collector of the ſaid County of *Cumberland*, ſhall in all Things govern himſelf, and be ſubject to the ſame Regulations, Reſtrictions, Fines and Forfeitures, and ſhall obſerve like Rules, Orders, and Directions, as the Collectors of other the Counties aforeſaid, by the Laws of this Province, are liable to. And the ſaid Collector, for the Diſcharge of the Duty of his Office within the ſaid County of *Cumberland*, ſhall have and receive like Fees, Perquiſites and Rewards, for his Services, enjoined by this Act, as other the Collectors aforeſaid, (*Philadelphia* excepted) by the Acts aforeſaid are entitled unto, for the Services enjoined them by the Acts aforeſaid.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That until a Sheriff and Coroner ſhall be choſen in the County of *Cumberland*, in Purſuance of this Act, it ſhall and may be lawful for the Sheriff and Coroner of *Lancaſter*, to officiate and act in the Diſcharge of their reſpective Duties, as fully and amply as they might and ought to have done, if this Act had not been made: One of whom or his Deputy, ſhall attend and diſcharge the Duty of his Office, according to the Laws of this Province, at the next Election at *Lancaſter*, and the other of them, or his Deputy, ſhall attend and diſcharge the Duty of his Office, in like Manner, at the firſt Election next to be held in the County of *Cumberland* aforeſaid, in Purſuance of the Directions of this Act.

Truſtees, &c. to mark out the Boudary Line betwixt *York* and *Cumberland*.

AND to the End the Boundaries of the ſaid County of *York* and *Cumberland*, may be the better aſcertained and known, BE IT FURTHER ENACTED by the Authority aforeſaid, That it ſhall and may be lawful to and for the Truſtees named in this Act, and the Act of Aſſembly by which the ſaid County of *York* was erected into a County, or to and for a Majority of each of them, and they are hereby required and firmly enjoined, within the Space of ſix Months next after the Publication of this Act, to aſſemble themſelves together, and with the Aſſiſtance of one or more Surveyors, by them reſpectively to be provided, to run, mark out, and diſtinguiſh the Boundary Line between the ſaid Counties of *York* and *Cumberland*: And the Charges to ariſe for the doing thereof ſhall be defrayed equally between the Inhabitants of the ſaid Counties, and to that End levied and raiſed by the ſaid Inhabitants in ſuch Manner as other publick Money for the Uſe of the ſaid Counties by Law ought to be raiſed and levied.

Paſs'd *Jan. 27th*, 1749-50. Recorded A Vol. 3. p. 213

XXII. *An* ACT *for the prohibiting the Importation of Germans or other Paſſengers in too great Numbers, in any one Veſſel.*

Preamble.

WHEREAS it hath been to frequently practiſed by Maſters and Owners of Veſſels trading within this Province, to import ſo great a Number of Germans or other Paſſengers in one Veſſel, that, through Want of neceſſary Room and Accommodations, they have often contracted mortal and contagious Diſtempers, and thereby have occaſioned not only the Death of great Numbers of ſuch Paſſengers in their Paſſage, but alſo by theſe Means have ſo infected thoſe who ſurvived, as on their Arrival into this Province they have ſpread the Contagion, and been the Cauſe of the Death of many of the Inhabitants: To the End therefore that the like evil Practices may be prevented, and Inconveniencies thence ariſing avoided as much as may be for the future,

Paſſengers to be provided with Meat Drink &c. and ſufficient Room.

BE IT ENACTED by the Honourable *JAMES HAMILTON*, Eſq; Lieutenant Governor under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and of the Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame; That from and after the Publication of this Act, no Maſter, or Commander of any Ship or other Veſſel whatſoever, bound to the Port of *Philadelphia*, or elſewhere within this Province, ſhall import into the River *Delaware*, or into any Port within the Province of *Pennſylvania*, any greater Number of Paſſengers in any one Ship or other Veſſel, than ſuch only as ſhall be well provided with good and wholeſome Meat, Drink, and other Neceſſaries for Paſſengers and others during the whole Voyage; and ſhall have room therein to contain for ſingle Freight, or Paſſengers of the Age of Fourteen Years or upwards, at leaſt Six Feet in Length, and One Foot Six Inches in Breadth; and if under the Age aforeſaid, to contain the ſame Length and Breadth for every two ſuch Paſſengers, And if any Maſter or Commander of any Ship or Veſſel, againſt the Tenor of this

Act, ſhall import into this Province, any one, or a greater Number of Paſſengers not accommodated or provided during his Voyage, with good and wholeſome Meat, Drink, Room, and other Neceſſaries as aforeſaid, ſuch Maſter or Commander ſhall forfeit and pay for every Paſſenger imported into this Province the Sum of *Ten Pounds*, to be recovered by Action of Debt, with full Coſts of Suit, in any Court of Record within this Province: The one Half of the ſaid Forfeiture to any one who will ſue for the ſame to Effect, and the other Half to the Truſtees of *Province-Iſland*, to be applied towards the Payment of the Expences which ſhall ariſe by the placing of ſick Paſſengers or others there; PROVIDED ſuch Action ſhall be commenced within the Space of one Month next after any ſuch Offence ſhall be committed; or the Delinquent may be indicted for the ſame in the next Quarter-Seſſions of the Peace of the County where the Offence ſhall be committed, and, on due Conviction, be fined at the Diſcretion of the Court in any Sum not exceeding *Ten Pounds*, for each Paſſenger exceeding the Number by this Act allowed to be imported, as aforeſaid.

Penalty on Failure,

AND, to the End this Act, and the Proviſions herein made, may be the more punctually obſerved,

BE IT FURTHER ENACTED by the Authority aforeſaid, That the Officer appointed for collecting of the Duties to ariſe by the Act, intituled, *An Act for impoſing Duties on Perſons convicted of heinous Crimes*, &c. or his Deputy, in going on board any Ship or other Veſſel importing of Paſſengers, either by his or their View, or otherwiſe, ſhall, and is hereby required to inform himſelf of the Condition and Circumſtances of the Paſſengers on board, and whether they have been provided for, and accommodated with the Proviſions, Room, and other Neceſſaries, herein directed; and where at any Time a Deficiency ſhall appear to him, or any of them, he or they ſhall forthwith give Notice of the ſame to the Mayor or Recorder, or any one of the Aldermen, of the City of *Philadelphia*, or to ſome one or more of the Juſtices of the Peace of the County where the Offence is committed, to the End the Perſon or Perſons delinquent may be ſent for, and bound over to the next General Quarter-Seſſions of the Peace, then and there to anſwer the Premiſes, as is herein directed and enacted.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That every Maſter or Commander of any Ship or other Veſſel, importing any Paſſenger or Paſſengers to be landed within this Province, who in their Paſſage hither, or ſoon after, may happen to die, leaving Goods, Chattels, Money, or other Effects on board, or in the Hands or Cuſtody of any ſuch Maſter or Commander, every ſuch Maſter or Commander within the Space of Twenty Days next after his Arrival, or after the Deceaſe of every ſuch Paſſenger, ſhall exhibit to the Regiſter General, or to ſome one of his Deputies of the County where ſuch Effects ſhall lay, a true and perfect Inventory of all ſuch Goods, Chattels, Money and other Effects, to the End, that after Payment of all juſt Demands, which ſhall be due to the ſaid Maſter, Commander, or to his or their Owner or Owners, the Remainder of the ſaid Goods or Effects may be committed to the Cuſtody of ſome proper Perſon or Perſons, for the Benefit of the Wife or Children, next of Kin, or Creditors of the Deceaſed, as the Caſe may require, and the Law in ſuch Caſe ſhall direct.

Captain to exhibit to the Regiſter-General Inventories of the Goods of deceaſed Paſſengers.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any ſuch Maſter or Commander of any ſuch Ship or other Veſſel, ſhall neglect or refuſe to exhibit a true and perfect Inventory of the Goods and Effects of any ſuch Paſſenger or Paſſengers, ſo dying as aforeſaid, every ſuch Maſter or Commander ſhall forfeit and pay the Sum of *One Hundred Pounds*, to be recovered and applied as aforeſaid.

Penalty on Neglect,

Paſſed *Jan.* 27th, 1749-50. Recorded A, Vol. 3. p. 218.

XXIII. *An* ACT *for amending of the Act, intituled, "An Act to encourage the killing of Squirrels with- "in this Province."*

Paſſed *Jan.* 27th, 1749-50.---*Expired.*---A, Vol. p. 224. Recorded

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XXIV. *An* ACT *for amending the Laws of this Province againſt killing of Deer out of Seaſon.*

Paſſed *Jan.* 27th, 1749-50. Recorded A. Vol. 3. p. 221.

This Act, among others, was lately repealed, and ſupplied by an Act of Aſſembly, in the Thirty-third Year of His Majeſty's Reign, paſſed by his Honour the Governor, *April*, 12th, 1760, and enacted in the following Words:

An ACT *to prevent the Hunting of Deer, and other wild Beaſts, beyond the Limits of the Lands purchaſed of the Indians by the Proprietaries of this Province; and againſt killing Deer out of Seaſon.*

Preamble

WHEREAS many diſorderly People have made it a Practice of Hunting on the Lands not yet purchaſed of the *Indians*, to their great Damage and Diſſatisfaction, which may be attended with fatal Conſequences to the Peace and Welfare of this Province, by deſtroying that Union and Harmony which this Government has lately reſtored and concluded with the *Indians* at a very great Expence: And whereas many of the induſtrious Inhabitants on the Frontiers of this Province, are thereby diſcouraged from returning and ſettling upon the Plantations, which they were obliged to leave and evacuate during the late *Indian* Incurſions; Therefore to remedy the great Miſchiefs which may enſue from the Continuance of this Evil Practice,

BE IT ENACTED by the Honourable *JAMES HAMILTON*, Eſq; Lieutenant Governor under the Honourable THOMAS PENN and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That if any Perſon or Perſons whatſoever, either ſingle or in Companies, after the paſſing of this Act, ſhall preſume to hunt, chaſe or follow, any Deer,

Penalty on hunting, &c. in the Indian Country,

Deer, Buck, Doe, Fawn, or any other wild Beaſt, wild Fowl, or Game whatſoever, or ſhall ſet Traps for Beaver, or other Beaſts, without the Limits of the Lands purchaſed of the *Indians* by the Proprietaries of this Province, ſuch Perſon or Perſons ſo offending, and being thereof legally convicted in any Court of Quarter-Seſſions of the County where ſuch Offender ſhall be apprehended (in which ſaid Court the ſame Offence is hereby made cognizable) by the Oath or Affirmation of one or more Witneſſes, or by the Confeſſion of the Party, every Perſon ſo offending, ſhall forfeit and pay, for every ſuch Offence, the Sum of *Fifty Pounds*, or ſuffer twelve Months Impriſonment, without Bail or Mainprize. One Moiety of the above Fine ſhall be paid to the Proſecutor, and the other Moiety to the Overſeers of the Poor of the Townſhip where ſuch Offender ſhall reſide, for the Uſe of the Poor of the ſaid Townſhip, if reſident within this Province; if otherwiſe where he ſhall be apprehended.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Conſtable of each reſpective Townſhip, in every County of this Province, having any Knowledge of any Offences againſt this Act, ſhall, and he is hereby required, under the Penalty of *Five Pounds*, to preſent, on Oath or Affirmation, every ſuch Offence to ſome one Juſtice of the Peace of their reſpective Counties, or before the Juſtices of the General Quarter Seſſions of the Peace for the ſame County; together with the Name or Names of all ſuch Offenders, that they may be tried, agreeable to the Directions of this Act. Conſtables to preſent Offenders.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon or Perſons ſhall, after the Publication of this Act, hunt, chace or follow, with a Deſign to kill, or ſhall kill or deſtroy any Buck, Doe or Fawn, within the Lands already, or hereafter to be purchaſed of the *Indians*, at any other Time or Seaſon, excepting only between the Firſt Day of the Month of *Auguſt*, and the Firſt Day of the Month of *January*, and ſhall be lawfully convicted thereof by the Oaths or Affirmations of one or more credible Witneſſes, or the Confeſſion of the Party, before one or more Juſtices of the Peace, for the reſpective County where ſuch Offence ſhall be committed, he or they ſhall forfeit and pay the Sum of *Three Pounds* for every ſuch Offence, to the Uſes aforeſaid: Provided ſuch Conviction be made within ſix Months after ſuch Offence committed. Penalty on chacing, &c. Deer out of Seaſon.

AND for the more certain convicting of Offenders againſt this Act, BE IT FURTHER ENACTED by the Authority aforeſaid, that every Perſon in whoſe Cuſtody ſhall be found, or who ſhall expoſe to Sale any green Deer-skins, freſh Veniſon or Deer's Fleſh at any other Time of the Year than what is before excepted, ſuch green Deerskins, freſh Veniſon, or Deer's Fleſh, ſhall be deemed and taken as Evidence of the Guilt of the Perſon in whoſe Cuſtody the ſame ſhall be found. Concealers and Sellers of Veniſon and green Deer-skin within this Act.

PROVIDED ALWAYS, That nothing contained in this Act ſhall be deemed or conſtrued to extend to any free Native *Indians* carrying Guns, hunting, killing and having in their Cuſtody any Skins or Deer's Fleſh for their own Uſe, any Thing in this Act to the contrary notwithſtanding. Indians not within the ſame.

AND WHEREAS divers Abuſes, Damages and Inconveniencies have ariſen by Perſons carrying Guns, and preſuming to hunt on other Peoples Lands; for Remedy whereof for the future, BE IT ENACTED by the Authority aforeſaid, That if any Perſon or Perſons ſhall preſume, at any Time, after the Publication of this Act, to carry any Gun, or hunt on any incloſed or improved Lands of any of the Inhabitants of this Province, other than his own, unleſs he ſhall have Licence or Permiſſion from the Owner of ſuch Lands, or ſhall preſume to fire a Gun on or near any of the King's Highways, and ſhall be thereof convicted, either upon View of any Juſtice of the Peace within this Province, or by the Oath or Affirmation of any one or more Witneſſes, before any Juſtice of the Peace, he ſhall, for every ſueh Offence, forfeit the Sum of *Forty Shillings*. Penalty on hunting, &c. on another's Land, and near the Highway.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Perſon whatſoever ſhall preſume to ſhoot at, or kill, with a Fire-arm, any Pigeon, Dove, Partridge, or other Fowl, in the open Streets of the City of *Philadelphia*, or in the Gardens, Orchards and Incloſures adjoining upon, and belonging to any of the Dwelling-houſes within the Limits of the ſaid City, or Suburbs thereof, or any of the Boroughs or Towns within this Province, upon the Forfeiture of *Forty Shillings* for every ſuch Offence, to be convicted in Manner aforeſaid. Penalty on ſhooting in the City, Suburbs, Boroughs and Towns.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon or Perſons ſhall hunt or kill any Kind of Game on the Sabbath-Day, and ſhall be convicted thereof in Manner laſt aforeſaid, every ſuch Offender ſhall forfeit and pay the Sum of *Forty Shillings* for evety ſuch Offence. On hunting on the Sabbath Day.

All which Penalties and Forfeitures, not herein before appropriated, ſhall be paid, one Moiety thereof to the Informer, and the other to the Overſeers of the Poor of the Townſhip, where ſuch Offence is committed, for the Uſe of the Poor of the ſaid Townſhip; but if convicted upon View of a Juſtice of the Peace, the whole Forfeiture ſhall be paid to the Overſeers of the Poor of the ſaid Townſhip, for the Uſe of the Poor of the ſaid Townſhip; and if the Offender refuſe to pay, the ſame ſhall be levied by Diſtreſs and Sale of the Offender's Goods by Warrant, under the Hand and Seal of the Juſtice before whom ſuch Offender ſhall be convicted, returning the Overplus, if any, to the Owner, the Charge of Diſtraining being firſt deducted; and for want of ſuch Diſtreſs he ſhall be committed to Priſon, where the Forfeiture is *Three Pounds*, for the Space of Thirty Days; and where the Forfeiture is *Forty Shillings*, for the Space of Twenty Days, without Bail or Mainprize; and if ſuch Offender be a Negroe or Mulattoe Slave, he ſhall, inſtead of ſuch Impriſonment, be publickly whipped at the Diſcretion of the Magiſtrate, not exceeding Thirty-one Laſhes, unleſs the Maſter or Miſtreſs of ſuch Slave ſhall pay the Fine or Fines hereby inflicted. Forfeitures to go to the Overſeers, &c. Puniſhment of Negroes offending.

AND BE IT ENACTED by the Authority aforeſaid, That the Act, intituled, "An Act to prevent the Killing of Deer out of Seaſon, and againſt "carrying of Guns and hunting by Perſons not qualified;"

Repeal of former Acts.

"lified;" and the Act intituled, "A Supplement to the Law intituled, an Act to prevent the Killing of "Deer out of Season, and againſt carrying of Guns and hunting by Perſons not qualified;" and an Act intituled, "An Act for amending the Laws of this Province againſt killing of Deer out of Season;" and every Article, Clauſe and Thing in the ſaid Acts, and each and every of them contained, ſhall be, and hereby are declared to be repealed, null and void, to all Intents and Purpoſes whatſoever.

XXV. *An* ACT *for barring Eſtates Tail.*

FORASMUCH as the Intailing of Eſtates within this Province, without a Proviſion by Law for barring them, would introduce Perpetuities, prevent the Improvement of ſuch Eſtates, diſable Tenants in Tail to make Proviſion for the younger Branches of their Families, prove of general Detriment to the Province, and be attended with manifold Inconveniencies; for preventing whereof for the future.

BE IT ENACTED by the Honourable *JAMES HAMILTON*, Eſqr; Lieutenant-Governor, under the Honourable THOMAS PENN and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and the Counties of *Newcaſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame; AND IT IS HEREBY ENACTED, That Fines and common Recoveries heretofore levied or ſuffered within the Province of *Pennſylvania*, or which ſhall at any Time or Times hereafter, be levied or ſuffered within the ſaid Province, duly, and according to the Common or Statute Laws of *England*, either in the Supream Court of Judicature within the ſaid Province, or in any of the County Courts for holding of Pleas within the ſaid Province reſpectively, in which the Houſes, Lands, Tenements, or Hereditaments intailed, do, or ſhall lay, ſhall be, and are hereby declared to be of like Force and Effect to all Intents, Conſtructions and Purpoſes, for barring Eſtates ſo entailed, as Fines and common Recoveries by the Laws of *England* aforeſaid, there levied or ſuffered, of Lands, Tenements and Eſtates, entailed within that Realm are received, declared, or enacted to be.

PROVIDED ALWAYS, That it ſhall and may be lawful for any Perſon or Perſons, either by, Appeal or Writ of Error, as the Caſe may require, to ſeek and obtain Redreſs, againſt any Error or Errors which have happened, or may happen in any ſuch Proceedings.

Paſſed *Jan.* 27th, 1749-50. Recorded A. Vol. 3. p. 223.

XXVI. *An* ACT *for the Continuance of an Act of Aſſembly of this Province, intituled, An Act for "the more eaſy Recovery of Legacies within this Province.*

Paſſed *Jan.* 27th, 1749-50. ---*Expired.*--- Recorded A. Vol. 3. p. 225

XXIV. GEORGII II. *A. D.* 1750.

XXVII. *An* ACT *for the Continuance of an Act of Aſſembly of this Province, intituled, "A Supplementary Act to the Act intituled, An Act for preventing the Exportation of Bread and Flour "not merchantable, and for the new Appointment of Officers to put the ſaid Law in Execution."*

Paſſed *Auguſt* 18th, 1750. ---*Expired.*--- Recorded A. Vol. 3. p. 211.

XXVIII. *An* ACT *for explaining and aſcertaining the Boundary Line between the Counties of* York *and* Cumberland, *in the Province of* Pennſylvania.

Preamble.

WHEREAS by an Act of General Aſſembly of this Province, intituled, *An Act for erecting Part of the Province of* Pennſylvania *Weſtward of* Saſquehannah, *and South-caſtward of the* South Mountain, *into a County*, paſſed in the Twenty third Year of the preſent Reign, it was enacted, That all and ſingular the Lands lying within the Province of *Pennſylvania* aforeſaid, to the Weſtward of the River *Saſquehannah*, and Southward and Eaſtward of the *South Mountain*, ſhould be erected into a County, and the ſame were thereby erected into a County by the Name of *YORK*, bounded Northward and Weſtward by a Line to be run from the ſaid River *Saſquehannah*, along the Ridge of the ſaid *South Mountain*, until it ſhall interſect the *Maryland* Line, Southward by the ſaid *Maryland* Line, and Eaſtward by the ſaid River *Saſquehannah*. AND WHEREAS by a ſubſequent Act of General Aſſembly of this Province, paſſed in the ſame Year of the preſent Reign, intituled, *An Act for erecting Part of the Province of* Penſylvania, *Weſtward of* Saſquehannah, *and Northward and Weſtward of the County of* York, *into a County*; it was enacted, That all and ſingular the Lands lying within the Province of *Pennſylvania* aforeſaid, to the Weſtward of *Saſquehannah*, and Northward and Weſtward of the County of *York*, ſhould be, and thereby were erected into a County, by the Name of *CUMBERLAND*, bounded Northward and Weſtward with the Line of the Province, Eaſtward, partly with the River *Saſquehannah*, and partly with the ſaid County of *York*, and Southward, in Part, by the ſaid County of *York*, and Part by the Line dividing the ſaid Province from that of *Maryland*. AND WHEREAS, to the End the Counties of *York* and *Cumberland* might be the better aſcertained and known, it was by the ſaid laſt mentioned Act of Aſſembly further enacted, that it ſhould be lawful for the Truſtees named in the ſaid Act, and the Act of Aſſembly by which the County of *York* was erected into a County, or for a Majority of each of them, and they were thereby required and firmly enjoined, within the Space of Six Months next after the Publication of the ſaid Act, to aſſemble themſelves together, and with the Aſſiſtance of one or more Surveyors, by them reſpectively to be provided, to run, mark out and diſtinguiſh the Boundary Line between the

the ſaid Counties of *York* and *Cumberland*. BUT foraſmuch as the Ridge of Mountains, called the *South Mountain*, along which the Lines dividing the ſaid Counties of *York* and *Cumberland*, were directed to be run by the ſeveral herein before mentioned Acts, from the River *Suſquehannah*, to the Mouth of a Run of Water, called *Dogwood-run*, is diſcontinued, much broken, and not eaſily to be diſtinguiſhed, whereby great Differences have ariſen between the Truſtees of the ſaid Counties, concerning the Manner of running the ſaid Line; by which Means the Boundaries of the ſaid Counties between the River *Suſquehannah*, and the Mouth of the aforeſaid Run of Water, called *Dogwood-run*, are altogether unſettled, and ſo likely to continue, to the great Injury of the ſaid Counties, and to the fruſtrating the good Purpoſes by the herein before mentioned Acts of Aſſembly intended: For preventing whereof, and to the End the Boundaries between the ſaid Counties of *York* and *Cumberland* may be certainly known, BE IT ENACTED by the Honourable *JAMES HAMILTON*, Eſq; Lieutenant Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *Newcaſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, AND IT IS HEREBY ENACTED, That the Creek called *Yellowbreeches Creek*, from the Mouth thereof, where it emties itſelf into the River *Suſquehannah* aforeſaid, up the ſeveral Courſes thereof, to the Mouth of a Run of Water, called *Dogwood-run*, and from thence on one cotinnued ſtrait Line, to be run to the Ridge of Mountains, called the *South Mountain*, and from thence along the Ridge of the ſaid *South Mountain*, until it interſect the *Maryland* Line, ſhall be, and is hereby declared to be the Boundary Line, between the ſaid Counties of *York* and *Cumberland*.

The Diviſion or Line of the two Counties deſcribed.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Truſtees in the before-mentioned Acts named and appointed, or a Majority of the Truſtees mentioned in each of the ſaid Acts, ſhall, within the Space of four Months next after the Publication of this Act, aſſemble themſelves together, and with the Aſſiſtance of one or more Surveyors, by the ſaid Counties to be reſpectivcly provided, run, mark out, and diſtinguiſh the Boundary Line aforeſaid, or ſo much thereof as ſhall be neceſſary; *to wit*, from the Mouth of *Dogwood-run* aforeſaid, to the neareſt Part of the Ridge of the *South Mountain* aforeſaid, and from thence along the Ridge of the ſaid Mountain until it ſhall interſect the *Maryland* Line, under the Penalty of *Fifty Pounds*, to be levyed by Diſtreſs and Sale of the Goods of the ſaid Truſtees refuſing or neglecting the Service aforeſaid, to be reſpectively paid by the Truſtees of the County ſo neglecting or refuſing to aſſemble, and run and mark out the Boundary Lines, as by this Act is enjoined and required; one Half thereof to be paid to the Truſtees who ſhall attend the Service enjoined by this Act, for the Uſe of the County for which they are reſpectively named and appointed Truſtees; and the other Half to ſuch Perſon or Perſons as will ſue for the ſame, to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection, or Wager of Law ſhall be allowed to the Defendants.

Truſtees to run the Line within four Months

Penalty on Failure.

PROVIDED that nothing herein contained ſhall be deemed or taken to diſannul or make void the ſaid recited Acts, or any Thing therein contained; but that every Clauſe, Article and Sentence therein, except what is hereby altered or ſupplied, ſhall be and remain in full Force and Virtue.

Paſſed *Feb. 9th*, 1750-51. Recorded A. Vol. 3. p 224.

CONFIRMED *by the Lords Juſtices in Council*, May 10th, 1753.

XXIX. *An* ACT *for the more effectual preventing Accidents which may happen by Fire, and for ſuppreſſing Idleneſs, Drunkenneſs, and other Debaucheries.*

TO the End the Proviſions already made by our Laws for preventing Accidents which may happen by Fire in the City of *Philadelphia*, and ſeveral other Boroughs and Towns within this Province, may be made more generally uſeful; and to prevent as much as in us lies, the growing Sins of Idleneſs Drunkenneſs, and other Debaucheries, too frequent among us, BE IT ENACTED by the Honourable *JAMES HAMILTON*, Eſq; Lieutenant Governor, under the Honourable THOMAS PENN and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and of the Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That if any Perſon or Perſons whatſoever, within any County-Town, or within any other Town, or Borough in this Province, already built and ſettled, or hereafter to be built and ſettled, not hitherto reſtricted nor provided for by our Laws, ſhall ſet on Fire their Chimnies to cleanſe them, or ſhall ſuffer them or any of them, to take Fire, and blaze out at the Top, or ſhall fire any Gun, or other Fire-arm, or ſhall make, or cauſe to be made, or ſell or utter, or offer to expoſe to Sale, any Squibs, Rockets, or other Fire-works, or ſhall caſt, throw, or fire any Squibs, Rockets or other Fire-works, within any of the ſaid Towns or Boroughs, without the Governor's ſpecial Licence for the ſame; every ſuch Perſon or Perſons ſo offending, ſhall be ſubject to the like Penalties and Forfeitures, and to be recovered in like Manner as in and by an Act paſſed in the Eighth Year of the Reign of King GEORGE the Firſt, intituled, *An Act for preventing Accidents that may happen by Fire*, are directed to be levied and recovered.

Preamble

Former Law againſt firing Chimnies, Guns, Fireworks, *&c.* extended.

AND for preventing Idleneſs, Drunkenneſs, and other Miſchiefs that may and frequently do happen, by Numbers of idle or vicious Perſons meeting together at or near Publick-houſes or Dram-ſhops, under Pretence of Horſe-races, Shooting-matches, or other idle Sports. BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Publick Houſe-keeper, or other Retailer of ſtrong Liquors within this Province, ſhall promote or encourage any ſuch Horſe-races, Shooting-matches, or other idle Sports, or ſhall ſell any Wine, Rum, Beer, Cyder, or other ſtrong Liquors whatſoever, to any ſuch Perſons ſo aſſembled on Pretence of Horſe-races, Shooting-matches, or any other unlawful Sports or Games

Penalty on Publick Houſe-keepers promoting Horſe-races and Shooting Matches

Games, he, ſhe or they, ſhall forfeit and pay the Sum of Forty Shillings for the firſt Offence, and for the ſecond Offence the Sum of Three Pounds, and be ſuppreſſed by the Juſtices of the reſpective County Courts to which he, ſhe or they may belong.

On other Perſons concerned therein.

AND BE IT LIKEWISE FURTHER ENACTED by the Authority aforeſaid, That if any Perſon or Perſons whatſoever, ſhall enter, ſtart, or run any Horſe, Mare or Gelding, or ſhall promote or be concerned in any Shooting-match for any Plate, Prize, Sum of Money, or other Thing of Value whatſoever, or ſhall make print, publiſh or proclaim any Advertiſement or Notice of any Plate, Prize, Sum of Money, or other Thing of Value, to be run for by any Horſe, Mare or Gelding, or to be ſhot for by any Perſon or Perſons whatſoever, without the Governor's ſpecial Licence for the ſame, he, ſhe or they, ſhall forfeit and pay the Sum of *Three Pounds* for the firſt Offence, and of *Five Pounds* for the ſecond and every other Offence. And if ſuch Offender be a Servant, or Negroe, or Indian Slave, he, ſhe or they, ſhall be whipt on the bare Back with Fifteen Laſhes, and confined ſix Days at hard Labour in the County Work-houſe, for the firſt Offence; and for the ſecond and every other Offence, ſhall be in like Manner whipt Twenty-one Laſhes, and confined ten Days.

On Perſons providing ſtrong Drink at Vendues.

AND FORASMUCH as a pernicious Cuſtom hath prevailed in many Places, of giving Rum and other ſtrong Liquors, to excite ſuch as bid at Vendues to advance the Price, which, beſides the Injuſtice of the Artifice, leads to great Intemperance and Diſorders, BE IT THEREFORE ENACTED by the Authority aforeſaid, that if any Perſon or Perſons whatſoever, ſhall from and after Forty Days after the Publication of this Act, give or ſell any Rum, Wine, or other ſtrong Liquors, at the Time of any ſuch Vendue, to any Perſon or Perſons attending the ſame, he, ſhe or they, ſo ſelling or giving any Liquors, ſhall forfeit and pay for the firſt Offence the Sum of *Four Pounds*, and for the ſecond, and every other Offence, the Sum of *Five Pounds*.

Fines how to be diſpoſed.

AND BE IT LIKEWISE ENACTED by the Authority aforeſaid, That every of the Fines and Forfeitures accruing or becoming due for Offences againſt this Act, ſhall be paid one Half to the Overſeer or Overſeers of the Poor, for the Uſe of the Poor of the Townſhip, within which ſuch Offence may be committed, and the other Half to the Uſe of him or them who ſhall inform or ſue for the ſame, before any Juſtice of the Peace of this Province, who is hereby impowered and authorized to hear and determine the ſame, and to convict the Offender or Offenders, either on his own View, or by the legal Teſtimony of one or more Witneſſes: Saving to every ſuch Offender or Offenders the Right of Appeal, in like Manner as is provided in and by an Act paſſed in the Nineteenth Year of the preſent Reign, intituled, *An Act for the more eaſy and ſpeedy Recovery of ſmall Debts;* which Fines and forfeitures, ſhall be recovered by Diſtreſs and Sale of the Offenders Goods, or for want of ſuch Diſtreſs, if the Offender refuſes to pay, he, ſhe or they, ſhall be committed to Priſon for every ſuch Fine, where the ſame is *Twenty Shillings*, the Space of eight Days, without Bail or Mainprize, and ſo in Proportion for any of the greater Fines.

Limitation,

PROVIDED, That every ſuch Conviction be made within one Month after ſuch Offence or Offences committed.

Paſſed *Feb.* 9th, 1750-51. Recorded A. Vol. 3. p. 240.
CONFIRMED *by the Lords Juſtices in Council May* 10*th*, 1753.

XXX. *An* ACT *for the better regulating the nightly Watch within the City of* Philadelphia, *and for enlightening the Streets, Lanes and Alleys of the ſaid City, and for raiſing of Money on the Inhabitants of the ſaid City for defraying the neceſſary Expence thereof.*

Paſſed *Feb.* 9th, 1750-51. —*Expired.*— Recorded A. Vol. 3. 226.

XXXI. *An* ACT *to encourage the Eſtabliſhing of an Hoſpital for the Relief of the Sick Poor of this Province, and for the Reception and Cure of Lunaticks.*

Preamble.

WHEREAS the ſaving and reſtoring uſeful and laborious Members to a Community is a Work of publick Service, and the Relief of the ſick Poor is not only an Act of Humanity, but a religious Duty: AND WHEREAS there are frequently in many Parts of this Province poor diſtempered Perſons, who languiſh long in Pain and Miſery, under various Diſorders of Body and Mind, and being ſcattered abroad in different and very diſtant Habitations, cannot have the Benefit of regular Advice, Attendance, Lodging, Diet and Medicines, but at a great Expence, and therefore often ſuffer for Want thereof; which Inconveniency might be happily removed by collecting the Patients into one common Provincial Hoſpital, properly diſpoſed and appointed, where they may be comfortably ſubſiſted, and their Health taken Care of at a ſmall Charge, and where, by the Bleſſing of God on the Endeavours of skillful Phyſicians and Surgeons, their Diſeaſes may be cured and removed. AND WHEREAS it is repreſented to this Aſſembly, that there is a charitable Diſpoſition in divers Inhabitants of this Province to contribute largely towards ſo good a Work, if ſuch Contributors might be incorporated with proper Powers and Privileges for carrying on and compleating the ſame, and ſome Part of the publick Money given and appropriated to the providing a ſuitable Building for the Purpoſes aforeſaid: THEREFORE, for the Encouragement of ſo uſeful, pious and charitable a Deſign, we pray that it may be enacted, AND BE IT ENACTED by the Honourable *JAMES HAMILTON*, Eſqr; Lieutenant-Governor, under the Honourable THOMAS PENN and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *Newcaſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame; That it ſhall and may be lawful to and for all Perſons, each of whom ſhall have contributed or ſubſcribed the Sum of *Ten Pounds* or more, towards founding

Perſons contributing 10 l. to meet yearly,

and

and eſtabliſhing an Hoſpital, for the Reception and Relief of Lunaticks, and other diſtempered and ſick Poor within this Province, or as many of them as ſhall think fit, to aſſemble and meet on the firſt Day of the Month called *July*, next; and for all Perſons, who ſhall thereafter contribute the like Sum of *Ten Pounds* or more (together with the ſaid firſt Subſcribers) or ſo many of them as ſhall think fit, to aſſemble and meet on the ſecond Day of the firſt Week in the Month called *May*, yearly for ever, at ſome convenient Place in the City of *Philadelphia*, then and there to elect by Ballot, twelve fit and ſuitable Perſons, of their own Number, to be Managers of the ſaid Contribution and Hoſpital, and one other Perſon to be Treaſurer of the ſame, until the next Election; and farther, to make ſuch Laws, Rules and Orders, as ſhall appear to them the ſaid Contributors met, or the major Part of them, to be good, uſeful and neceſſary, for the well governing, ordering and regulating the ſaid Hoſpital, and for the Regulation of the future Elections of Managers, Treaſurer, and other neceſſary Officers and Miniſters thereof, and for limiting and appointing their Number, Truſt and Authority; and generally for the well ordering all other Things concerning the Government, Eſtate, Goods, Lands, Revenues, as alſo all the Buſineſs and Affairs of the ſaid Hoſpital: All which Laws, Rules and Orders ſo to be made as aforeſaid, ſhall be from Time to Time inviolably obſerved by all concerned, according to the Tenor and Effect of them, provided they be not repugnant to the Laws of *England*, or this Government, and are approved by the Chief Juſtice, the Speaker of the Aſſembly, and the Attorney-General of this Province for the Time being, under their Hands and Seals. And the ſaid Contributors ſhall be, and are hereby made a Body corporate in Law, to all Intents and Purpoſes, and ſhall have perpetual Succeſſion, and may ſue, or be ſued, plead, or be impleaded, by the Name of *The Contributors to the* Pennſylvania *Hoſpital*, in all Courts of Judicature within this Province; and by that Name, ſhall and may receive and take any Lands, Tenements, or Hereditaments, not exceeding the yearly Value of *One Thouſand Pounds*, of the Gift, Alienation, Bequeſt or Deviſe of any Perſon or Perſons whomſoever; and of any Goods or Chattels whatſoever; and the ſaid Contributors are hereby impowered to have and uſe one common Seal in their Affairs, and the ſame at their Pleaſure to change and alter.

and to elect Managers, &c. and make Laws, &c.

to be approved, &c.

Contributors made a Corporation.

Limitation of their Eſtate.

PROVIDED nevertheleſs, that no General Meeting of the ſaid Contributors, nor any Perſons acting under them, ſhall employ any Money, or other Eſtate, expreſly given or added to the capital Stock of the ſaid Hoſpital, in any other Way than by applying its annual Intereſt or Rent, towards the Entertainment and Care of the ſick and diſtempered Poor, that ſhall be from Time to Time brought and placed therein, for the Cure of their Diſeaſes, from any Part of this Province, without Partiality or Preference.

Money given to the Capital Stock not to be expended

AND for the further Encouragement of this beneficent Undertaking, BE IT ENACTED by the Authority aforeſaid, That when the ſaid Contributors ſhall have met and choſen their Managers and Treaſurer as aforeſaid, and ſhall have raiſed by their Contributions, a capital Stock of *Two Thouſand Pounds* Value (the yearly Intereſt or Rent of which is to be applied to the accommodating of the ſick Poor in the ſaid Hoſpital, free of Charge for Diet, Attendance, Advice and Medicines) and ſhall make the ſame appear to the Satisfaction of the Speaker of the Aſſembly for the Time being; that then it ſhall and may be lawful for the ſaid Speaker of the Aſſembly, and he is hereby required, to ſign an Order or Orders on the Provincial Treaſurer, or Truſtees of the Loan Office, for the Payment of *Two Thouſand Pounds*, in two yearly Payments, to the Treaſurer of the ſaid Hoſpital, to be applied to the Founding, Building and furniſhing of the ſame.

2000 l. expectant given to the Uſe of the Hoſpital.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Accounts of the Diſburſements of the ſaid *Two Thouſand Pounds*, ſo ordered by the Speaker of the Aſſembly aforeſaid, or any Part thereof that ſhall be hereafter expended, as the Caſe may be, and of the Rents, Products and Intereſts of any real or perſonal Eſtates or Sums of Money charitably given to the Uſe of the ſaid Hoſpital, together with a Liſt of ſuch Donations, ſhall be fairly drawn out and publiſhed annually in the *Gazette* or other News-papers: And the Managers of the ſaid Hoſpital, ſhall at all Times when required, ſubmit the Books, Accounts, Affairs and Oeconomy thereof to the Inſpection and free Examination of ſuch Viſitors as may from Time to Time be appointed by the Aſſembly of this Province to viſit and inſpect the ſame.

Accounts to be publiſhed in the Gazette yearly.

PROVIDED ALWAYS, and it is hereby further enacted by the Authority aforeſaid, That if at any Time hereafter there ſhould not be a conſtant Succeſſion of Contributors to meet yearly and chooſe Managers as aforeſaid, then the ſaid Hoſpital, and the Eſtate and Affairs thereof, ſhall be in the Management and under the Direction of ſuch Perſons as ſhall be from Time to Time appointed by Act of General Aſſembly of this Province for that Purpoſe.

Proviſo.

Paſſed *May* 11th, 1751. Recorded A. Vol. 3. p. 245.

CONFIRMED by the Lords Juſtices in Council, May 10th, 1753.

XXXII. *An* ACT *for repealing an Act, intituled,* "*A Supplement to the Act, intituled, An Act for* "*impoſing a Duty on Perſons convicted of heinous Crimes, and to prevent poor and impotent Perſons* "*being imported into this Province.*"

BE IT ENACTED by the Honourable *JAMES HAMILTON*, Eſq; Lieutenant Governor under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and the Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That an Act of the General Aſſembly of this Province, paſſed in the Twenty-third Year of the Reign of the preſent King, intituled, *A Supplement to the Act, intituled, An Act for impoſing a Duty on Perſons convicted of heinous Crimes, and to prevent poor and impotent Perſons being imported into this Province*, and every Clauſe, Matter and Thing therein contained, ſhall be, and is hereby repealed, utterly made null, and void.

Paſſed *Auguſt* 24th, 1751. Recorded A, Vol. p. 248.

XXXIII. *An*

XXXIII. *An* ACT *for erecting Part of the Counties of* Philadelphia, Cheſter, *and* Lancaſter *into a ſeparate County.*

Preamble

WHEREAS a great Number of the Back Inhabitants of the County of *Philadelphia*, and the adjacent Parts of the Counties of *Cheſter* and *Lancaſter*, by their Petition, have humbly repreſented to the Governor and Aſſembly of this Province, their remote Situation from their reſpective County Towns (where the Courts of Juſtice, and Publick Offices are kept) whereby they are frequently put to extraordinary Expence of Money, and Loſs of Time, in their long Journies thither, as Parties in Cauſes, Witneſſes, Jurymen, *&c.* For remedying which Inconveniencies, and Relief of the Inhabitants in thoſe remote Parts in the Premiſſes;

BE IT ENACTED by the Honourable *JAMES HAMILTON*, Eſq; Lieutenant Governor under the Honourable THOMAS PENN and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and of the Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That all and ſingular the Lands, lying within the Province of *Pennſylvania* aforeſaid, within the Metes and Bounds as is herein after deſcribed, be erected into a County; and the ſame are hereby erected into a County, named, and henceforth to be called *BERKS*, bounded as follows, By a Line, at the Diſtance of ten ſuperficial Miles, *South-Weſt* from the *Weſtern* Bank of the River *Schuylkill*, oppoſite to the Mouth of a Creek, called *Monocaſy*, to be run *North-Weſt* to the Extremity of the Province, and *South-Eaſt*, until it ſhall interſect the Line, of *Cheſter* County, then on one ſtrait Line, croſſing the River *Schuylkill* aforeſaid, to the upper or *North-Weſtward* Line of *M'Call's* Manor, then along the ſaid Line to the Extremity thereof, and continuing the ſame Courſe, to the Line dividing *Philadelphia* and *Bucks* Counties, then along the ſaid Line *North-Weſt*, to the Extent of the County aforeſaid.

Boundaries of the County of BERKS.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Inhabitants of the ſaid County, ſhall, at all Times hereafter, have and enjoy all and ſingular the Juriſdictions, Powers, Rights, Liberties, and Privileges whatſoever, which the Inhabitants of any other County within the ſaid Province do, may, or ought to enjoy, by any Charter of Privileges, or the Laws of this Province, or by any other Ways or Means whatſoever; excepting only in the Number of Repreſentatives to ſerve in General Aſſembly of this Province; in which Caſe it is PROVIDED, and FURTHER ENACTED, by the Authority aforeſaid, That until it ſhall be otherwiſe ordered by the Governor and Aſſembly of this Province, the Freemen and Inhabitants of the ſaid County, qualified by the Laws of this Province to elect, ſhall annually meet at the Town of *Reading*, near the River *Schuylkill*, in the ſaid County, at the ſame Time the Inhabitants of the other Counties of this Province ſhall meet for like Purpoſes, and there proceed to chooſe Inſpectors, and to elect one Repreſentative or Delegate, to ſerve them in Aſſembly, in the ſame Manner as by the Charter and Laws of this Province is directed, in reſpect to other Counties; which ſaid Repreſentative, when ſo choſen, ſhall be a Member of the General Aſſembly of the Province of *Pennſylvania*, and ſit and act as ſuch, as fully and freely as any of the Repreſentatives for the other Counties within this Province do, may, can, or ought to do.

The Inhabitants thereof to elect one Repreſentative in Aſſembly,

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all Taxes already laid within the Bounds of the ſaid County of *Berks*, by Virtue of any Act of General Aſſembly of this Province, which are not already paid, ſhall be collected by the reſpective Collectors within the Bounds aforeſaid, and paid into the Hands of the Treaſurers of the Counties of *Philadelphia*, *Lancaſter*, and *Cheſter*; and that all Perſons concerned in the levying, receiving and paying the ſaid Taxes, ſhall have the ſame Power and Authority, and be under the ſame Penalties and Reſtrictions for collecting and paying the ſame, as by the ſaid Acts by which the ſaid Taxes were aſſeſſed, are expreſſed and directed, until the Whole be collected and paid as aforeſaid.

Juriſdiction of the Supream Court and County Courts eſtabliſhed.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Juſtices of the Supream Court of this Province, ſhall have like Powers, Juriſdictions and Authorities, within the ſaid County of *Berks*, as by Law they are veſted with, and intitled unto, in the other Counties within the Province aforeſaid; and are hereby authorized and impowered, from Time to Time, to deliver the Goals of the ſaid County, of Capital or other Offenders, in like Manner as they are authorized to do in other the Counties aforeſaid.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That there ſhall be a competent Number of Juſtices, nominated and authorized by the Governor for the Time being, by Commiſſions under the Broad Seal of the Province; which ſaid Juſtices, or any three of them, ſhall and may hold Courts of General Quarter-Seſſions of the Peace and Goal-delivery, and County Courts for holding of Pleas; and ſhall have all and ſingular the Powers, Rights, Juriſdictions and Authorities, to all Intents and Purpoſes, as other the Juſtices of Courts of General Quarter Seſſions, and Juſtices of the County Courts for holding of Pleas in the other Counties aforeſaid, may, can, or ought to have, in their reſpective Counties; which ſaid Courts ſhall ſit and be held for the ſaid County of *Berks*, on the Third Day of the Week, commonly called *Tueſday*, next after the Courts held for the County of *Lancaſter*, in every of the Months called *May*, *Auguſt*, *November* and *February*, in every Year, at ſome proper Place within the ſaid County, until a Court-houſe ſhall be built; and when the ſame is built and erected in the County aforeſaid, the ſaid ſeveral Courts ſhall then be holden and kept at the ſaid Court-houſe, on the Days before mentioned. And the Election of a Repreſentative to ſerve in General Aſſembly, Aſſeſſors and all other Officers of the ſaid County who are or ſhall be appointed to be annually elected, ſhall be made and elected, at or near the ſaid Court-houſe, at the ſame Time and in the ſame Manner; as by the Charter of Privileges, and Laws of the Province aforeſaid, is directed to be done in the other Counties within this Province. And it ſhall and may be lawful for the Freemen of the ſaid County, for the firſt Year, to chooſe three Commiſſioners

missioners for raising County Rates and Levies for the said County.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful to and for *Anthony Lee*, *Francis Parvin*, *William Maugridge*, *William Bird*, and *Joseph Millard*, or any three of them, to purchase, and take Assurance to them and their Heirs, of a Piece of Land, situate in some convenient Place in the said Town of *Reading*, in Trust, and for the Use of the Inhabitants of the said County, and thereon to erect and build a Court-house and Prison, sufficient to accommodate the Publick Service of the said County, and for the Ease and Conveniency of the Inhabitants. Trustees for building a Court-house and Prison.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That for the Defraying the Charges of purchasing the Land, building and erecting the Court-house and Prison aforesaid, it shall and may be lawful to and for the Commissioners and Assessors of the said County, or a Majority of them, to assess and levy, and they are hereby required to assess and levy so much Money as the said Trustees, or any three of them, shall judge necessary for purchasing the Land, and finishing the said Court-house and Prison; PROVIDED ALWAYS, the said Sum of Money so to be raised, does not exceed *Three Hundred Pounds* current Money of this Province. Charges thereof to be raised on the Inhabitants.

PROVIDED ALSO, AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Action or Suit now commenced or depending in the Counties of *Philadelphia*, *Chester*, and *Lancaster*, against any Person living within the Bounds of the said County of *Berks*, or elsewhere, shall be stayed or discontinued by this Act, or by any Thing herein contained; but that the same Actions, already commenced or depending may be prosecuted, and Judgment thereupon rendered, as if this Act had not been made. And that it shall and may be lawful for the Justices of the Counties of *Philadelphia*, *Chester* and *Lancaster*, to issue any judicial Process, to be directed to the Sheriffs of their respective Counties, for carrying on and obtaining the Effect of their Suits; which Sheriffs shall be, and are hereby obliged to yield Obedience in executing the said Writs, and make due Returns thereof before the Justices of the respective Courts of the said Counties of *Philadelphia*, *Chester* and *Lancaster*, as if the Parties were living and residing within the same. Suits commenced in Philadelphia, &c. to be prosecuted there.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That *John Hughes*, of the said County of *Berks*, be, and hereby is appointed Collector of the Excise of the said County, who is hereby authorized and impowered, by himself, or his sufficient Deputy, duly constituted, and for whom he shall be accountable, to demand, collect, receive and recover, the Excise appointed to be paid by any Act or Acts of Assembly of this Province, and also the Arrearages thereof, of and from all and every Person and Persons, within the said County, retailing or vending any of the Liquors by the said Acts liable to pay the same; and also to recover and receive all and every the Duties, Fines and Forfeitures, laid or imposed, or that shall happen to arise or become due for any Thing done contrary to the true Intent and Meaning of the said Acts. Collector of Excise appointed.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Collector of Excise for the County of *Berks* aforesaid, the better to enable himself to recover the Arrearages of Excise now due, or which shall become due before the Publication of this Act, shall apply to the Collectors of Excise for the Counties of *Philadelphia*, *Chester*, and *Lancaster*, for Lists, which they are hereby enjoined and required to deliver, containing the Names of each and every Person in Arrear for Excise, within the said County of *Berks*, and how much for each of them.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Collector of the County of *Berks* aforesaid, before he enters on the Execution of his said Office, is hereby required to give Bond, with two sufficient Sureties, to the Treasurer of this Province for the Time being, in the Sum of *Two Hundred Pounds*, lawful Money of the Province aforesaid, for the faithful Discharge of his Duty, and paying all such Sums of Money as he shall from Time to Time receive by Virtue of this Act. And further, the Collector of the said County of *Berks* shall in all Things govern himself, and be subject to the same Regulations, Restrictions, Fines and Forfeitures, and shall observe like Rules, Orders and Directions, as the Collectors of other the Counties aforesaid, by the Laws of this Province, are liable to. AND the said Collector, for the Discharge of the Duty of his Office, within the said County of *Berks*, shall have and receive like Fees, Perquisites and Rewards, for his Services enjoined by this Act, as other the Collectors aforesaid (*Philadelphia* excepted) by the Acts aforesaid are intitled unto, for the Services enjoined them by the Acts aforesaid. To give Bond.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That until a Sheriff and Coroner shall be chosen in the County of *Berks*, in Pursuance of this Act, it shall and may be lawful for the Sheriff and Coroner of *Philadelphia* County, to officiate and act in the Discharge of their respective Duties as fully and amply as they may or can do in their County of *Philadelphia*; one of whom, or his Deputy, shall attend and discharge the Duty of his Office, according to the Laws of this Province, at the next Election at *Philadelphia*, and the other of them, or his Deputy, shall attend and discharge the Duty of his Office in like Manner, at the first Election next to be held in the County of *Berks* aforesaid, in Pursuance of the Directions of this Act.

AND, to the End the Boundaries of the said County of *Berks* may be the better ascertained and known, BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful to and for *Edward Scull*, of the County of *Philadelphia*, *Benjamin Lightfoot*, of the County of *Chester*, and *Thomas Cookson*, of *Lancaster* County, or to and for a Majority of them, and they are hereby required, and firmly enjoined, within the Space of Six Months next after the Publication of this Act, to assemble themselves together, and run, mark out, and distinguish the Boundary Line between the said Counties of *Philadelphia*, *Chester* and *Lancaster*, and the herein before mentioned County of *Berks*, or so much Boundary Line to be run within six Months.

much thereof as they, or a Majority of them, for the reſpective Counties ſhall judge convenient and neceſſary, and the Charge to ariſe for the doing thereof, ſhall be defray'ed by the County of *Berks*, and to that End levied and raiſed by the Inhabitants of the ſaid County, in ſuch Manner as other publick Money for the Uſe of the ſaid County by Law ought to be raiſed and levied.

Paſſed *March* 11th, 1752. Recorded A. Vol. 3. p. 227.

CONFIRMED *by the Lords Juſtices in Council*, May 10th, 1753.

XXXIV. *An* ACT *for erecting the North-Weſt Part of* Bucks *into a ſeparate County.*

Preamble

WHEREAS a great Number of the Inhabitants of the Upper Parts of the County of *Bucks*, by their Petition, have humbly repreſented to the Governor and Aſſembly of this Province, the great Hardſhips they lay under, by being ſo remote from the preſent Seat of Judicature, and the publick Offices, that the neceſſary Means to be uſed for obtaining Juſtice is attended with ſo much Difficulty and Expence, that many forego their Right, rather than attempt the Recovery of it under ſuch Circumſtances; while others, ſenſible of theſe Difficulties, commit great Villainies with Impunity. For remedying whereof, and for Relief of the Inhabitants,

Boundaries of the County of NORTHAMPTON.

BE IT ENACTED by the Honourable *JAMES HAMILTON, Eſq;* Lieutenant Governor under the Honourable THOMAS PENN, and RICHARD PENN, *Eſquires*, true and abſolute Proprietaries of the Province of *Pennſylvania*, and of the Counties of *Newcaſtle, Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, that all and ſingular the Lands lying within the Province of *Pennſylvania* aforeſaid, be erected into a County; and the ſame is hereby erected into a County, named, and henceforth to be called *NORTHAMPTON*; to be divided from the County of *Bucks*, by the upper or North-Weſtward Line of *Durham* Tract, to the upper Corner thereof; then by a ſtrait Line to be run South-weſtwardly to the Line dividing the Townſhips of *Upper* and *Lower Milford*; then along the ſaid Line to the Line dividing *Philadelphia* and *Bucks* Counties; and then by that Line to the Extremity of the ſaid Province.

The Inhabitants thereof to elect one Repreſentative in Aſſembly,

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Inhabitants of the ſaid County, ſhall, at all Times hereafter, have and enjoy all and ſingular the Juriſdictions, Powers, Rights, Liberties, and Privileges whatſoever, which the Inhabitants of any other County within the ſaid Province do, may, or ought to enjoy, by any Charter of Privileges, or the Laws of this Province, or by any other Ways or Means whatſoever; excepting only in the Number of Repreſentatives to ſerve in General Aſſembly of this Province; in which Caſe it is PROVIDED, and FURTHER ENACTED, by the Authority aforeſaid, That until it ſhall be otherwiſe ordered by the Governor and Aſſembly of this Province, the Freemen and Inhabitants of the ſaid County, qualified by the Laws of this Province to elect, ſhall annually meet at or near the Place where the Court-houſe is intended to be built for the ſaid County, at the ſame Time the Inhabitants of the other Counties of this Province ſhall meet for like Purpoſes, and there proceed to chooſe Inſpectors, and to elect one Repreſentative or Delegate, to ſerve them in Aſſembly, in the ſame Manner as by the Charter and Laws of this Province is directed, in reſpect to other Counties; which ſaid Repreſentative, when ſo choſen, ſhall be a Member of the General Aſſembly of the Province of *Pennſylvania*, and ſit and act as ſuch, as fully and freely as any of the Repreſentatives for the other Counties within this Province do, may, can, or ought to do.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all Taxes already laid within the Bounds of the ſaid County of *Northampton*, by Virtue of any Act of General Aſſembly of this Province, which are not already paid, ſhall be collected by the reſpective Collectors within the Bounds aforeſaid, and paid into the Hands of the Treaſurer of *Bucks* County; and that all Perſons concerned in the levying, receiving and paying the ſaid Taxes, ſhall have the ſame Power and Authority, and be under the ſame Penalties and Reſtrictions for collecting and paying the ſame, as by the ſaid Acts by which the ſaid Taxes were aſſeſſed, are expreſſed and directed, until the Whole be collected and paid as aforeſaid.

Juriſdiction of the Supream Court and County Courts eſtabliſhed.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Juſtices of the Supream Court of this Province, ſhall have like Powers, Juriſdictions and Authorities, within the ſaid County of *Northampton*, as by Law they are veſted with, and intitled unto, in the other Counties within the Province aforeſaid; and are hereby authorized and impowered, from Time to Time, to deliver the Goals of the ſaid County, of Capital or other Offenders, in like Manner as they are authorized to do in other the Counties aforeſaid.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That there ſhall be a competent Number of Juſtices, nominated and authorized by the Governor for the Time being, by Commiſſions under the Broad Seal of the Province; which ſaid Juſtices, or any three of them, ſhall and may hold Courts of General Quarter-Seſſions of the Peace and Goal-delivery, and County Courts for holding of Pleas; and ſhall have all and ſingular the Powers, Rights, Juriſdictions and Authorities, to all Intents and Purpoſes, as other the Juſtices of Courts of General Quarter Seſſions, and Juſtices of the County Courts for holding of Pleas in the other Counties aforeſaid, may, can, or ought to have, in their reſpective Counties; which ſaid Courts ſhall from and after the Publication of this Act, ſit and be held for the ſaid County of *Northampton*, on the Third Day of the Week, commonly called *Tueſday*, next enſuing *Bucks* County Courts, in every of the Months called *March*, *June*, *September* and *December*, in every Year, at *Eaſton*, on *Lehietan*, in the Forks of the River *Delaware*, until a Court-houſe ſhall be built; and when the ſame is built and erected in the County aforeſaid, the ſaid ſeveral Courts ſhall then be holden and kept at the ſaid Court-houſe, on the Days before mentioned. And the Election of a Repreſentative to ſerve in General Aſſembly, Aſſeſſors and all other Officers of the ſaid County who are or ſhall be appointed to be annually

elected

elected, shall be made, and elected, at or near the said Court-house, at the same Time and in the same Manner; as by the Charter of Privileges, and Laws of the Province aforesaid, is directed to be done in the other Counties within this Province. And it shall be lawful for the Freemen of the said County, for the first Year, to choose three Commissioners for raising County Rates and Levies for the said County.

Trustees for building a Court-house and Prison.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful to and for *Thomas Craig*, *Hugh Wilson*, *John Jones*, *Thomas Armstrong*, and *James Martin*, or any three of them, to purchase, and take Assurance to them and their Heirs, of a Piece of Land, situate in some convenient Place in the said Town, in Trust, and for the Use of the Inhabitants of the said County, and thereon to erect and build a Court-house and Prison, sufficient to accommodate the Publick Service of the said County, and for the Ease and Conveniency of the Inhabitants.

Charges thereof to be assessed on the Inhabitants.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That for the defraying the Charges of purchasing the Land, building and erecting the Court-house and Prison aforesaid, it shall and may be lawful to and for the Commissioners and Assessors of the said County, or a Majority of them, to assess and levy, and they are hereby required to assess and levy so much Money as the said Trustees, or any three of them, shall judge necessary for purchasing the Land, and finishing the said Court-house and Prison; PROVIDED ALWAYS, the Sum of Money so to be raised, does not exceed *Three Hundred Pounds* current Money of this Province.

Suits commenced in ~~Philadelphia~~ Bucks &c, to be prosecuted there,

PROVIDED ALSO, AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Action or Suit now commenced or depending in the County of *Bucks*, against any Person living within the Bounds of the said County of *Northampton*, or elsewhere, shall be stayed or discontinued by this Act, or by any Thing herein contained; but that the same Actions, already commenced or depending, may be prosecuted, and Judgment thereupon rendered, as if this Act had not been made. And that it shall and may be lawful for the Justices of *Bucks* County, to issue any judicial Process, to be directed to the Sheriff of *Bucks* County, for carrying on and obtaining the Effect of their Suits; which Sheriff shall be, and is hereby obliged to yield Obedience in executing the said Writs, and make due Return thereof before the Justices of the said Court of the said County of *Bucks*, as if the Parties were living and residing within the same.

Collector of Excise appointed.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That *Daniel Craig*, of the said County of *Northampton*, be, and hereby is appointed Collector of the Excise of the said County, who is hereby authorized and impowered, by himself, or his sufficient Deputy, duly constituted, and for whom he shall be accountable, to demand, collect, recive, and recover, the Excise appointed to be paid by any Act or Acts of Assembly of this Province, and also the Arrearages thereof, of and from all and every Person and Persons, within the said County, retailing or vending any of the Liquors by the said Acts liable to pay the same; and also to recover and receive all and every the Duties, Fines and Forfeitures, laid or imposed, or that shall happen to arise or become due for any Thing done contrary to the Intent of the said Acts.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Collector of Excise for the County of *Northampton* aforesaid, the better to enable himself to recover the Arrearages of Excise now due, or which shall become due before the Publication of this Act, shall apply to the Collector of Excise for the County of *Bucks*, for a List, which he is hereby enjoined and required to deliver, containing the Names of each and every Person in Arrear for Excise, within the said County of *Northampton*, and how much from each of them.

To give Bond.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Collector of the County of *Northampton* aforesaid, before he enters on the Execution of his said Office, is hereby required to give Bond, with two sufficient Sureties, to the Treasurer of this Province, for the Time being, in the Sum of *Two Hundred Pounds*, lawful Money of the Province aforesaid, for the faithful Discharge of his Duty, and paying all such Sums of Money as he shall from Time to Time receive by Virtue of this Act. And further, the Collector of the said County of *Northampton*, shall in all Things govern himself, and be subject to the same Regulations, Restrictions, Fines and Forfeitures, and shall observe like Rules, Orders and Directions, as the Collectors of other the Counties aforesaid, by the Laws of this Province, are liable to. AND the said Collector for the Discharge of the Duty of the said Office, within the said County of *Northampton*, shall have and receive like Fees, Perquisites and Rewards, for his Services enjoined by this Act, as other the Collectors aforesaid (*Philadelphia* excepted) by the Acts aforesaid are intitled unto, for the Services enjoined them by the Acts aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That until a Sheriff and Coroner shall be chosen in the County of *Northampton*, in Pursuance of this Act, it shall and may be lawful for the Sheriff and Coroner of *Bucks*, to officiate and act in the Discharge of their respective Duties as fully and amply as they might and ought to have done if this Act had not been made; one of whom, or his Deputy, shall attend and discharge the Duty of his Office, according to the Laws of this Province, at the next Election at *Bucks*; and the other of them, or his Deputy, shall attend and discharge the Duty of his Office in like Manner, at the first Election next to be held in the County of *Northampton* aforesaid, in Pursuance of the Directions of this Act.

Boundary Line to be run within six Months.

AND to the End the Boundaries of the said County of *Northampton* may be the better ascertained and known, BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful to and for *John Chapman*, *John Watson*, junior, and *Samuel Foulke*, or to and for a Majority of them, and they are hereby required, and firmly enjoined, within the Space of Six Months next after the Publication of this Act, to assemble themselves together, and run, mark out, and distinguish the Boundary Line between the said Counties of *Bucks* and *Northampton*; and the Charges to arise for the doing thereof shall

ſhall be defrayed by the ſaid County of *Northampton*, and to that End levied and raiſed by the Inhabitants thereof, in ſuch Manner as other Publick Money for the Uſe of the ſaid County by Law ought to be raiſed and levied.

Paſſed *March* 11th, 1752. Recorded A. Vol. 3. p. 269.
CONFIRMED *by the Lords Juſtices in Council*, March 11th, 1752.

XXXV. *An* ACT *to regulate the Aſſize of Bread.*
Paſſed *March 11th* 1752- -----*Expired*------Recorded A. Vol. 3. p. 295.

XXXVI. *An* ACT *to prevent Diſputes about the Dates of Conveyances, and other Inſtruments and Writings.*

Recital of an Act of Parliament regulating the Commencement of the Year.

WHEREAS by an Act of Parliament made in the Twenty-fourth Year of the preſent Reign, intituled, *An Act for regulating the Commencement of the Year, and for correcting the Calendar now in Uſe*, it is enacted, That in and throughout all his Majeſty's Dominions, and Countries in *Europe*, *Aſia*, *Africa*, and *America*, belonging or ſubject to the Crown of *Great Britain*, the Supputation, according to which the Year of our Lord beginneth on the Twenty-fifth Day of *March*, ſhould not be made uſe of from and after the laſt Day of *December*, 1751; and that the firſt Day of *January* next following the ſaid laſt Day of *December*, ſhould be reckoned, taken, deemed, and accounted, to be the firſt Day of the Year of our Lord, 1752; and ſo on, from Time to Time, the firſt Day of *January* in every Year, which ſhould happen in Time to come, ſhould be reckoned, taken, deemed and accounted, to be the firſt Day of the Year; and that each new Year ſhould accordingly commence and begin to be reckoned from the firſt Day of every ſuch Month of *January*, next preceeding the Twenty-fifth Day of *March*, on which ſuch Year would according to the Supputation aforeſaid, have begun or commenced; and that all Acts, Deeds, Writings, Notes and other Inſtruments, of what Nature or Kind ſoever, which ſhould be made, executed or ſigned, upon or after the ſaid firſt Day of *January*, 1752. ſhould bear Date according to the New Method of Supputation.

Of an Act of Aſſembly about the Names of the Months.

AND WHEREAS for the Eaſe of the Inhabitants of this Province, who ſcrupled to call the Names of the Months as they were commonly called, but the Month which others called *March*, they called the *Firſt Month*, and ſo of the reſt of the Months of the Year, according to the old Supputation of the Year, beginning on the Twenty-fifth Day of the Month call'd *March*, then generally received throughout the King's Dominions, an Act of the General Aſſembly of this Province was paſs'd in the Ninth Year of the late Queen ANNE, intituled, *An Act to prevent Diſputes which may hereafter ariſe about the Dates of Conveyances, and other Inſtruments and Writings*; whereby it was enacted, that all Inſtruments and Writings whatſoever, wherein the Names of the Months were called the *Firſt*, *Second*, *Third*, and *Fourth*, inſtead of *March*, *April*, *May*, and *June*, and ſo of the reſt, ſhould be judged and taken as valid and effectual in Law, as if the Months in ſuch Writings had been ſet down and expreſſed by the uſual Names.

Which is hereby ſupplied.

AND foraſmuch as many of the ſober Inhabitants of this Province are ſtill conſcientiouſly ſcrupulous of calling the Names of the Months as they are uſually called, yet hold themſelves in Duty bound to comply with the Act of Parliament herein before recited: THEREFORE, for preventing Diſputes and Controverſies, concerning the Dates of ſuch Inſtruments and Writings, ſince the paſſing of the Act of Parliament aforeſaid; BE IT ENACTED by the Honourable *JAMES HAMILTON*, Eſq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That all Deeds, Conveyances, Mortgages, Letters of Attorney, or Powers of Agency, Commiſſions, Bonds, Bills, Charter Parties, Leaſes, Releaſes, Contracts, Articles, Receipts, and all other Inſtruments and Writings whatſoever, ſince the firſt Day of the Month called *January* laſt; wherein the Names of the Months are called *Firſt*, *Second*, *Third*, and *Fourth*, inſtead of *January*, *February*, *March*, *April*, and ſo of the reſt, accounting always the Month called *January*, to be the firſt Month of the Year, ſhall, and are hereby enacted and declared, to be as good and available, and may be pleaded, and ſhall be deemed, adjudged and taken, in all Courts of Judicature, and elſewhere, within this Province, to be as valid and effectual in Law to all Intents, Conſtructions and Purpoſes, as if the Months in ſuch Writings had been ſet down and expreſſed by their uſual Names, any Law, Cuſtom, or Uſage, to the contrary thereof in any wiſe notwithſtanding.

And repealed.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Act of Aſſembly aforeſaid, intituled, *An Act to prevent Diſputes which may hereafter ariſe about the Dates of Conveyances, and other Inſtruments and Writings*, paſſed in the Ninth Year of the late Queen ANNE, and every Clauſe, Part and Paragraph thereof, ſhall be, and is hereby repealed and made void.

Paſſed *March 11th*, 1752. Recorded A Vol. 3. p. 299.
CONFIRMED *by the Lords Juſtices in Council*, May 10th. 1753.

XXXVII. *An* ACT *for directing the Choice of Inſpectors in the Counties of* Cheſter, Lancaſter, York, Cumberland, Berks *and* Northampton.

Preamble

WHEREAS notwithſtanding the juſt and impartial Method preſcribed for electing of Members of Aſſembly, by the Charter of Privileges, granted by the Honourable WILLIAM PENN, Eſq; late Proprietary and Governor in Chief of the Province of *Pennſylvania*, and Counties of *Newcaſtle*, *Kent* and *Suſſex* upon *Delaware*, to the Inhabitants thereof; and of the ſeveral Acts of Aſſembly of the ſaid Province made in Purſuance of the ſaid Charter, for the more free impartial and peaceable Election of Members to ſerve

ſerve in the General Aſſembly of the ſaid Province, and of Sheriffs, Coroners, Commiſſioners, Aſſeſſors, and of Inſpectors to aſſiſt in the ſaid Election; it was nevertheleſs found upon Experience, that the Method formerly preſcribed by the Laws of this Province, for chooſing Inſpectors to aſſiſt the Sheriff, and for receiving the Poll or Votes at the ſaid Election, did not anſwer the good Purpoſes for which it was intended, but great Numbers of diſorderly Perſons, many of whom not being qualified to vote for Members of Aſſembly, mixed themſelves among the Electors, at the Time of chuſing Inſpectors, and by their rude and diſorderly Behaviour diſturbed the Electors, and created Strifes and Quarrels, to the great Danger and Diſquiet of the peaceable People there met together, and in Delay of the ſaid Elections. And foraſmuch as it often happened, that the ſaid Inſpectors were choſen moſt or all of them out of one Part of the County, and by Reaſon thereof, could not be ſo well acquainted with the Eſtates and Circumſtances of all the Electors, which was the principal End of their Appointment.

FOR remedying of which Inconveniencies, an Act of General Aſſembly of this Province was paſs'd in the Twelfth Year of the preſent Reign, intituled, *A Supplement to the Act for electing Members of Aſſembly*; and alſo one other Act was paſs'd in the Sixteenth Year of the ſame Reign, intituled, *An Act for continuing and amending the Act of Aſſembly laſt aforeſaid*; which Acts being limited to the Space of three Years then near expiring, one other Act paſs'd in the Nineteenth Year of the Reign of the preſent King intituled, *An Act for amending the ſeveral Acts for electing Members of Aſſembly*, whereby the ſaid ſeveral Acts of the Twelfth and Sixteenth of King GEORGE the Second, herein before mentioned, with ſome Amendments, were made perpetual. But foraſmuch as it is found by Experience, that the Manner of electing Inſpectors in ſeveral of the Counties within this Province, in and by the aforeſaid Acts directed and injoined, has not altogether removed the Difficulties, or anſwered the good Ends propoſed: BE IT THEREFORE ENACTED by the Honourable *JAMES HAMILTON*, Eſq; Lieutenant Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and the Counties of *Newcaſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That the Freeholders, and others, qualified to elect Members of Aſſembly, in each Townſhip in the reſpective Counties of *Cheſter*, *Lancaſter*, *York*, *Cumberland*, *Berks* and *Northampton*, ſhall meet on the Twenty-ſeventh Day of *September* yearly; but if the ſame ſhall happen upon a firſt Day of the Week, then upon the Day before, at ſome convenient Place within their ſaid reſpective Townſhips, to be appointed by the Conſtable of the ſaid Townſhip; or in caſe of his Abſence, Neglect or Refuſal, then at ſuch convenient Place within ſuch Townſhips as the Overſeers of the Poor ſhall appoint; and the ſaid Electors being qualified to vote for Members of Aſſembly, ſhall, between the Hours of Nine in the Forenoon, and Three in the Afternoon the ſame Day, during all which Time the Election ſhall continue, in the Preſence of the Conſtable, and ſuch two Freeholders as he ſhall call to his Aſſiſtance; or in caſe of his Abſence, Neglect or Refuſal, the Overſeer of the Poor proceed to elect by ballotting one able and diſcreet Freeholder, reſiding within the ſaid Townſhip, who may be ſuppoſed to be beſt acquainted with the Eſtates and Circumſtances of the Inhabitants; the Name of which Perſon ſo nominated and choſen, is to be taken down in Writing by the Conſtable or Overſeer of the Poor, as the Caſe ſhall happen, with the Name of the Townſhip for which he is choſen, and ſhall be delivered to the Sheriff, at the Place of Election, or to ſuch Perſon or Perſons, as ſhall happen to be Judges of the Election, before the Hour of Nine in the Forenoon of the Day whereupon the Election of Members of Aſſembly ſhall happen, who ſhall for that Year be Inſpectors of the Election, and as ſuch ſhall be declared and publiſhed by the Sheriff, in the Preſence of the Electors, or ſo many of them as ſhall be preſent.

Freeholders of each Townſhip to meet Sep. 27th, yearly.

to chooſe Inſpectors.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That before the ſaid Inſpectors proceed to act in aſſiſting the Sheriff to receive the Poll or Votes of the ſaid Electors, they ſhall be qualified by Oath or Affirmation by the Sheriff of the proper County, or other Judges of the Election, who are hereby required and impowered to adminiſter the ſame: "That they the ſaid Inſpectors will duly attend the enſuing Election during the Continuance thereof, and well and truly and faithfully aſſiſt the Sheriffs, Coroners, or other Judges of the ſaid Election, to prevent all Frauds and Deceits whatſoever of Electors, or others, in carrying on the ſame; and in cauſing the Poll or Votes at ſuch Election to be taken, marked off upon their reſpective Liſts, and caſt up, as is by this Act, and by an Act paſſed in the Fourth Year of the late Queen *Anne*, intituled, *An Act to aſcertain the Number of Members of Aſſembly, and to regulate Elections*, directed and enjoined." And the Inſpectors ſhall, and they are hereby authorized to adminiſter, to every Elector or Perſon who preſents his Ticket, an Oath or Affirmation, in the Words directed by the aforeſaid laſt mentioned Act of Aſſembly, unleſs the Qualification of ſuch Elector be generally well known, or ſome one or more of the ſaid Inſpectors ſhall and will openly declare to the reſt, that they know ſuch Elector to be qualified as in the aforeſaid Act of Aſſembly is required; and the Votes or Tickets of ſuch as offer to poll, and refuſe to take the ſaid Oath or Affirmation, ſhall be openly rejected, and the Votes or Tickets of every Perſon who takes the ſaid Oath or Affirmation, ſhall, with the other lawful Tickets or Votes, be put into the Box, and no Tickets ſo received ſhall be ſuppreſſed. PROVIDED ALWAYS, AND BE IT FURTHERENACTED by the Authority aforeſaid, That the Inſpectors of the ſeveral Townſhips within the Counties of *Cheſter*, *Lancaſter*, *York*, *Cumberland*, *Berks* and *Northampton*, if preſent, ſhall receive the Votes or Tickets of the Electors of the Townſhips for which they are choſen, and no other, or in caſe of their Abſence, the Inſpectors of the adjoining Townſhips; and that no Votes or Tickets ſhall be taken nor allowed, unleſs ſuch Votes or Tickets be ſo as aforeſaid received: And the Name of every Perſon ſhall be marked off by the Inſpectors aforeſaid at the Time of his Voting, by writing the Word [*Voted*] in the Margent of the Liſts of the Taxables of their reſpective Townſhips, to be lodged in the Hands of the ſaid Inſpectors, for the Purpoſes aforeſaid, as is herein after directed.

who ſhall be firſt qualified.

Shall receive Tickets ſo their own Townſhips only.

Six Days Notice to be given before the 27th of September.

AND, to the End this Act may be duly executed, and the Peace preſerved, BE IT ENACTED, by the Authority aforeſaid, that the Conſtables of the reſpective Townſhips, within the ſeveral Counties of *Cheſter*, *Lancaſter*, *York*, *Cumberland*, *Berks* and *Northampton*, or in caſe of the Death, Neglect or Abſence of the ſaid Conſtables, then the Overſeers of the Poor of ſuch Townſhip, or one of them, ſhall, at leaſt ſix Days before the ſaid Twenty-ſeventh Day of *September* in every Year, give publick Notice in Writing, by affixing the ſame at the moſt publick Places in the reſpective Townſhips of the Place, where the Inhabitants of the Townſhip in which they live, ſhall meet to elect a fit Perſon, according to the Direction of this Act: And that the ſaid Conſtable, or, in his Abſence, the Overſeer of the Poor, as aforeſaid, ſhall there attend at the Time appointed in this Act: And ſuch Conſtable, or Overſeer of the Poor, ſhall call to his Aſſiſtance two ſubſtantial Freeholders of the ſaid Townſhip, being there preſent, who ſhall aſſiſt them in judging of the ſaid Election, and in taking the Votes, and who, together with himſelf, ſhall, as ſoon as the ſaid Election is cloſed, certify under their Hands and Seals, that ſuch Perſon was elected by a Majority of lawful Votes by the Townſhip to which he belongs, whereof the ſaid Conſtable, or other Judge of the Election as aforeſaid, ſhall immediately give Notice to the Perſon ſo elected, that he may give his Attendance at the enſuing Election for Members of Aſſembly accordingly; and the ſaid Conſtable, or other Judge of the Election, ſhall likewiſe at the ſame Time furniſh the Inſpector ſo choſen with an alphabetical Liſt of the Names of all the Taxables within the ſaid Townſhip, to enable him the better to judge of the Qualifications of the Electors at the enſuing Election for Members of Aſſembly; which ſaid Liſts the Collectors of the reſpective Townſhips are hereby required and enjoined to furniſh when demanded, for the Purpoſes aforeſaid, under the Penalty of *Two Pounds Ten Shillings*; and the Certificate ſo as aforeſaid taken of the Perſon elected by a Majority of lawful Votes, in the Townſhip to which he belongs, ſhall be delivered by the Conſtable to the Sheriff, or other Judge or Judges of the Election of the County to which they belong, in the Manner herein before directed, for all which ſaid Services the ſaid Conſtable ſhall receive *Five Shillings*, to be paid by the County Treaſurer. And if any Sheriff or Coroner, Conſtable or Overſeer of the Poor, being Judge of ſuch Election as aforeſaid, ſhall neglect to do the Duties hereby enjoined them reſpectively, or ſhall wilfully misbehave him or themſelves in the Execution of his or their Duty, and be thereof legally convict, ſuch Perſon ſo offending, if Sheriff or Coroner, ſhall forfeit the Sum of *One Hundred Pounds*, and if a Conſtable or Overſeer of the Poor, ſhall forfeit *Five Pounds*, to any Perſon who ſhall ſue for the ſame. And the better to enabe the Houſe of Repreſentatives to judge of the Elections of their own Members, if any Diſputes ſhould hereafter ariſe, and to ſecure to the Freemen of this Province their juſt Rights, BE IT ENACTED by the Authority aforeſaid, That every Sheriff or Coroner within this Province reſpectively, at the ſame Time he is by Law enjoined to make Returns of the Members elected to ſerve as Repreſentatives or Delegates of the Freemen thereof, ſhall alſo return to the Houſe of Repreſentatives, the Liſts taken by the Clerks of the Names of Electors, and Places of their Abode, in the Counties of *Philadelphia* and *Bucks* reſpectively, and all the Liſts of the Taxables, as laid before the Inſpectors, in the reſpective Counties of *Cheſter*, *Lancaſter*, *York*, *Cumberland*, *Berks* and *Northampton*, or atteſted Copies thereof, under the Penalty of *Ten Pounds* each, to be recovered by any Perſon who will ſue for the ſame. And if any of the Perſons elected and returned, in any of the Townſhips within the ſaid Counties of *Cheſter*, *Lancaſter*, *York*, *Cumberland*, *Berks* and *Northampton*, in the Manner herein before directed, ſhall neglect or refuſe to give his Attendance at the Time and Place of electing Members of Aſſembly, every ſuch Perſon ſo offending, ſhall forfeit the Sum of *Five Pounds* to any Perſon who will ſue for the ſame.

Inſpectors to be furniſhed with a Liſt of the Taxables in the Townſhip.

Penalty on Sheriffs, Coroners, Conſtables and Overſeers, neglecting.

Sheriffs or Coroners to return to the Aſſembly Liſts of the Electors.

Penalty on Inſpectors refuſing or neglecting.

PROVIDED ALWAYS, That nothing herein contained ſhall be deemed or taken to alter or make void the Act of General Aſſembly made in the Fourth Year of the late Queen *Anne*, or the aforeſaid Act paſſed in the Nineteenth Year of the preſent Reign, or any Thing therein, or in either of them; but that every Clauſe, Article and Sentence in the ſaid Acts, or either of them contained, except what is hereby expreſly altered or ſupplied, ſhall be and remain in full Force and Virtue, as the ſame were before the making of this Act. PROVIDED ALSO, AND BE IT FURTHER ENACTED by the Authority aforeſaid, That this Act ſhall continue in Force for the Term of Three Years, and from thence to the End of the next Seſſions of Aſſembly, and no longer.

Limitation of this Act.

Paſſed *March* 11th, 1752. Recorded A. Vol. 3. p. 274.

CONFIRMED by the Lords Juſtices in Council, May 10th, 1753.

XXXVIII. *An* ACT *for preventing Bribery and Corruption in the Election of Sheriffs and Coroners within this Province.*

Preamble.

WHEREAS ſuch Perſons as ſtand Candidates for being elected and returned for the Office of Sheriff and Coroner within this Province, make it too frequently their Practice to engage Perſons to vote for them, by giving them ſtrong Drink, and uſing other Means inconſiſtent with the Deſign of voting freely at Elections, by Means whereof many unguarded Perſons are unwatily drawn in to engage their Votes, and rendered altogether incapable of diſcharging their Duty in that ſober and weighty Manner the Occaſion requires, but become more particularly diſorderly at thoſe Times, whereby great Confuſions and Miſchiefs ariſe; for preventing whereof, BE IT ENACTED by the Honourable *JAMES HAMILTON*, Eſq; Lieutenant Governor under the Honourable THOMAS PENN and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That if any Perſon or Perſons within this Government, after the Publication of this Act, who ſhall ſtand a Candidate or Candidates, or make Intereſt by him or themſelves, or others, to be elected and returned for the Office of Sheriff or Coronet; ſhall preſume by him or themſelves, or any other Perſon or Perſons whatſoever, to procure him or themſelves to be voted for or elected for the Office of Sheriff or Coroner as aforeſaid,

ſaid, by giving to any Perſon or Perſons, either by themſelves or others in their Behalf, or for their Uſe or Purpoſe, any Gratuity, Wages, Gift, Bribe, ſtrong Drink of any Kind, Treats, Entertainments, or any other Reward whatſoever, or ſhall covenant, engage, promiſe or procure ſo to be done, by him, or themſelves, or any other Perſon or Perſons; every Perſon or Perſons ſo offending, ſhall, for every ſuch Offence, forfeit the Sum of *Ten Pounds* to any Perſon who will ſue for the ſame, to be recovered by Action of Debt in any Court of Record within this Province, with Coſts of Suit, and be incapable to ſerve the Office of Sheriff, or Coroner for that Year. And every Perſon whatſoever, who ſhall by himſelf, or any other Perſon or Perſons, for his or their Uſe, or by his or their Means, or Procurement, preſume to take, accept, or receive any ſuch Gratuity, Gift, Bribe, ſtrong Drink, Treats, Entertainments, or other Reward whatſoever, as aforeſaid, for giving any Vote or Votes, or cauſing or procuring any Vote or Votes to be given to any ſuch Candidate or Candidates, or Perſon or Perſons, making Intereſt by him or themſelves or others as aforeſaid, to be elected and returned to ſerve in the Office of Sheriff or Coroner as aforeſaid, every Perſon or Perſons ſo offending, ſhall, for every ſuch Offence, forfeit the Sum of *Five Pounds*, to be recovered in the Manner directed by Law for the Recovery of Debts of *Five Pounds* or under.

Penalty on Sheriffs or Coroners bribing.

And on Electors taking Bribes.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That before any Sheriff ſhall receive his Commiſſion, or exerciſe any Part of his ſaid Office within this Province, he ſhall put in ſufficient Sureties into the Office of the Maſter of the Rolls of this Province, and there ſhall enter into Bond or Obligation, together with at leaſt two Freeholders, Inhabitants of the reſpective Counties, *viz.* The Sheriff of the City and County of *Philadelphia*, in the Sum of *Two Thouſand Pounds*, current Money of *Pennſylvania*; the Sheriff of the County of *Bucks*, in the Sum of *Six Hundred Pounds*, Money aforeſaid; the Sheriff of the County of *Cheſter*, in the Sum of *Six Hundred Pounds*, Money aforeſaid; the Sheriff of the County of *Lancaſter*, in the Sum of *Six Hundred Pounds*, Money aforeſaid; the Sheriff of the County of *York*, in the Sum of *Six Hundred Pounds*, Money aforeſaid; the Sheriff of the County of *Cumberland*, in the Sum of *Six Hundred Pounds*, Money aforeſaid; the Sheriff of the County of *Berks*, in the Sum of *Three Hundred Pounds*, Money aforeſaid; and the Sheriff of the County of *Northampton*, in the Sum of *Three Hundred Pounds*, in like Money, upon like Conditions and Truſts, and to be recorded, and put in Suit, and Judgment thereupon to be obtained, in like Manner, and for ſuch Uſes, as in and by an Act, paſſed in the fourth Year of the Reign of Queen *Anne*, intituled, *An Act for regulating Elections of Sheriffs and Coroners*, is directed, required and enjoined, any Thing in the ſaid Law, or any other Act of General Aſſembly of this Province contained, notwithſtanding.

Sheriffs Securities.

Paſſed *March* 11th, 1752. Recorded A. Vol. 3. p. 301.

CONFIRMED *by the Lords Juſtices in Council, May* 10th, 1753.

XXXIX. *An* ACT *for regulating and eſtabliſhing* FEES.

FOR preventing of Extortion, and undue Exaction of Fees by the ſeveral Officers and Practitioners of Law in this Province, and to the End that all Fees may be limited and reduced to Certainty, BE IT ENACTED by the Honourable *JAMES HAMILTON*, Eſq; Lieutenant Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That the Fees of the ſeveral Officers and Practitioners of Law in this Province, ſhall be as herein after is aſcertained, limited and appointed, *viz.*

That the Fees belonging to the KEEPER OF THE GREAT SEAL *of this Province, ſhall be as follows*, viz.

For Affixing the Seal to

THE Lieutenant-Governor's Commiſſion, to be paid by the Publick, *Fifteen Shillings.*

The Keeper of the Great Seal's Commiſſion, to be paid by the Party, *Twelve Shillings.*

Any Act of Aſſembly, or any Exemplification of an Act of Aſſembly, *Six Shillings.*

The Maſter of the Rolls Commiſſion, to be paid by the Party, *Ten Shillings.*

Every Provincial Judge's Commiſſion, to be paid by the Publick, *Six Shillings.*

For Affixing the Seal to

A Commiſſion of Sheriff of the City and County of *Philadelphia*, to be paid by the Party, *Eight Shillings.*

A Commiſſion of Sheriff of *Bucks*, *Cheſter*, *Lancaſter*, *York*, *Cumberland*, *Berks*, and *Northampton*, each, to be paid by the Party, *Six Shillings.*

A Proclamation by the Governor and Council, to be paid by the Publick, *Six Shillings.*

A Commiſſion of the Peace, to be paid by the County, *Six Shillings.*

The Attorney-General's Commiſſion, to be paid by the Publick, *Six Shillings.*

The Secretary's Commiſſion, to be paid by the Party, *Six Shillings.*

The Surveyor General's Commiſſion, to be paid by the Party, *Six Shillings.*

A Commiſſion for Clerk of the County of *Philadelphia*, to be paid by the Party, *Ten Shillings.*

A Commiſſion for Clerk of *Bucks*, *Cheſter*, *Lancaſter*, *York*, *Cumberland*, *Berks*, or *Northampton*, each to be paid by the Party, *Six Shillings.*

The Regiſter General's Commiſſion, to be paid by the Party, *Ten Shillings.*

Each Coroner's Commiſſion, to be paid by the Party, *Six Shillings.*

A Charter for a City, to be paid by the Parties, *Twenty Shillings.*

A Charter for a Borough or Town, to be paid by the Parties, *Ten Shillings.*

The Proprietaries Receiver General's Commiſſion, to be paid by the Party, *Six Shillings.*

Any

For Affixing the Seal to

Any ſingle Law (other than private Acts) paſſed in any Seſſion of Aſſembly, to be paid by the Publick, *Six Shillings.*

A Special Commiſſion, to be paid by the Publick, *ſix Shillings.*

Each Patent for Land or Lots, to be paid by the Party, *ſix Shillings.*

And that the Fees belonging to THE MASTER OF THE ROLLS *ſhall be as follows,* viz.

FOR

RECORDING the Laws of the Province, in a fair cloſe Hand, including Parchment or Book, for every Line not leſs than twelve Words, one with another, *One Half-penny.*

Exemplification or Copying of all Laws, for the Royal Aſſent, or for the ſeveral Counties of this Province, *One Halfpenny per* Line.

Recording, Exemplifying or Copying all Patents, Commiſſions, Proclamations, and other Inſtruments, for each Line as it ſtands recorded, as above, *One Half-penny.*

Recording Deeds, Writings, and Things apperraining to the Inrollment-Office, he finding Paper or Parchment, for each Line as aforeſaid, *One Half-penny.*

A Copy or Exemplification of any Record in the ſaid Office, as it ſtands recorded, for each Line *One Half-penny.*

Searching any Roll or Record, *One Shilling.*

Indorſement of Certificate on each Deed proved or acknowledged, and his Hand and Seal thereto, *One Shilling* and *Six-pence.*

And that the Fees belonging to the JUSTICES OF THE SUPREAM COURT *ſhall be as follows:* viz.

FOR

ALLOWING and Signing the Allocator of every *Certiorari*, for removing of Indictments, Orders, *&c. Four Shillings.*

Every Cauſe brought into Court by *Certiorari*, or Writ of Error, Six Shillings,

Taking Bail to proſecute a *Certiorari*, Two Shillings.

Judgment on every Writ of Error, *Noli proſequi*, or other Matter, to the Bench, Six Shillings.

Every Rule of Court, Imparlance, Continuance by Adviſement or otherwiſe, Two Shillings.

And that the Fees belonging to the GOVERNOR's SECRETARY, *or Clerk of the Council, ſhall be as follows,* viz.

FOR

READING and entering every Petition to the Governor and Council, for laying out Highroads, Two Shillings.

Entering their Order thereupon, for laying out the Road, and entering the Return thereof when laid out, Four Shillings and Six-pence.

A Copy thereof, if required, Three Shillings.

Reading and enrering every other Petition, and the Order or anſwer thereof, Two Shillings.

A *Mediterranean*, or Let-paſs, if required, each Four Shillings.

A Regiſter of every Veſſel, Four Shillings.

Writing of the Provincial Judges Commiſſion, or for Trial of Negroes, each Five Shillings.

General Commiſſions of the Peace, to be paid by the County, Five Shillings.

FOR

A ſingle Commiſſion for a Juſtice or Coroner, to be paid by the County, Four Shillings and Six-pence.

A ſingle Commiſſion for Sheriff or Clerk, to be paid by the Party, Six Shillings.

A Warrant under the leſſer Seal, to affix the Great Seal to any Law paſſed here, Provincial Judge's Commiſſion, Commiſſion of the Peace, or any other Commiſſion, Proclamation, or other publick Inſtrument, each Two Shillings and Six-pence.

A Warrant to affix the Great Seal to a Pardon, to be paid by the Party, Four Shillings.

And that the Fees belonging to the PROPRIETARY'S SECRETARY *ſhall be as follows,* viz.

FOR

EVERY Ticket to the Receiver General for the Payment of the Conſideration Money, and to the Surveyor-General to examine if the Land applied for be clear of prior Claims or Surveys, and all other Examinations attending the Application for a Warrant, and for the Warrant, *Five Shillings.*

Acceptance of, and filing the Surveyor-General's Return, Examination of the Courſes and Quantity contained in the ſaid Return, Warrant for the Great-Seal, and Entry of the Patent, lodging it in the Recorder's Office, and for the Patent to be on Parchment, *Nineteen Shillings.*

Every Recital of Transference, or every Deſcription at large, of more than one Tract or Parcel of Land, *Eighteen Pence* each, over and above the ſaid *Nineteen Shillings,*

And that the Fees belonging to the ATTORNEY-GENERAL *ſhall be as follows,* viz.

FOR

EVERY capital Cauſe, where Life is concerned, for the whole Proſecution, *Thirty-ſix Shillings*, to be paid by the Party

And if not found by the Grand-Inqueſt, *Eighteen Shillings*, to be paid by the County.

Every other Matter by Bill of Indictment, *Eighteen Shillings;* if not found, to be paid by the County, *Nine Shillings.*

And if the Defendant ſhall, by *Habeas Corpus*, *Certiorari*, or otherwiſe, remove any Indictment from any Court of Quarter-Seſſions before the Juſtices of the Supreme Court, the Attorney-General ſhall, for his Service in drawing the Indictment, and proſecuting the ſame, have the Sum of *Thirty-ſix Shillings*; but if the ſame be removed by Order of the ſaid Attorney, he ſhall receive but *Eighteen Shillings* for the ſame.

And that the Fees belonging to the SHERIFF *of every County of this Province ſhall be as follows,* viz.

FOR

SERVING every Writ of Arreſt, and taking into Cuſtody, *Four Shillings* and *Six-pence.*

Serving a Summons, *Three Shillings.*

Return of a Summons, Arreſt or Attachment, *One Shilling.*

Delivery of a Copy of a Declaration, *One Shilling.*

Every Bail-Bond, *Two Shillings* and *Six-pence.*

Travelling-Charges for every Mile, *Two-pence.*

Summoning

FOR
- Summoning or ſerving a Witneſs with a *Subpoena*, beſides Mileage, *Nine-pence*.
- Summoning and returning a Jury in every Cauſe where Iſſue is joined, *Two Shillings*.
- Returning an Execution for Land, *Six Shillings*
- Returning an Execution for Goods and Chattels, *One Shilling* and *Six-pence*.
- Serving an Execution, and ſelling the Land or Goods executed or delivered to the Creditor, and returning the *Venditioni Exponas* or *Liberari Facias*, for any Sum not exceeding *One Hundred Pounds*, *Six-pence per Pound*. If above *One Hundred Pounds*, *Three-pence per Pound*, and no more. And that no Poundage be paid for more than the real Debt or Damage due to the Plaintiff named in the Execution.
- The Turn-key's Fees to be paid upon the Diſcharge of a Priſoner, *Two Shillings* and *ſix-pence* But if upon a Debt under *Five Pounds*, *Nine Pence*.
- Executing Writs of Enquiry of Damages, atteſting the Jury, and making Return thereof, *Nine Shillings*.
- Executing every other Writ of Enquiry, and all Writs or Orders of Partition of Lands or Tenements, atteſting the Jury for any Matter or Thing to be done by him about ſuch Partition, and making Return thereof, *Twenty Shillings*
- But if the Buſineſs of the Partition exceed what the Jury can perform in one Day, then the Sheriff, for every Day more that he ſhall attend on the Jury about the ſaid Partition, ſhall have *ſix Shillings per Diem*.
- Every Judgment in civil Cauſes, *One Shilling*.
- Aſſigning every Bail-Bond, *One Shilling* and *ſix-pence*.
- Every criminal Cauſe, *Ten Shillings*.
- Every capital Cauſe, *Twenty Shillings*.
- Levying Fines, Forfeitures and Amerciaments eſtreated and paid to the Treaſurer, *ſix-pence per Pound*, to be allowed by the Treaſurer out of the ſame.

And that the Fees, belonging to every CORONER *of the Counties of this Province ſhall be as follows*, viz.

FOR
- VIEWING a Dead Body, *Ten Shillings*.
- Summoning the Inqueſt, entring the Verdict, and returning the Inquiſition, *Ten Shillings*.
- Summoning or Arreſting the Sheriff, or any other Perſon for him, *Four Shillings* and *ſix-pence*.
- Travelling Charges each Mile, *Two-pence*.

And that the Fees belonging to the JUSTICES OF THE PEACE *ſhall be as follows*, viz.

FOR
- WRITING, Signing and Sealing every Warrant, Mittimus, Recognizance, Certificate, Paſs, or other Inſtrument, *One Shilling* and *ſix-pence*.
- Signing every Attachment, Arreſt or Summons, *One Shilling*.
- Taxing every Bill of Coſts, and ſigning every Judgment of Court, *One Shilling*.
- Every Judgment of Court, upon Confeſſion, Default, *Noli proſequi*, or otherwiſe, Bench Fees, *Four Shillings*.

FOR
- Signing and ſealing every judicial Writ, One Shilling.
- Reſpiting every Recognizance, ſix-pence.
- Writing the Aſſignment of a Servant, ſigning it, and keeping a Record thereof, Two Shillings.
- Taking a Depoſition or Affidavit out of Court, *One Shilling*.
- Every Warrant of Summons, Capias or Attachment, and Execution for Demand under *Five Pounds*, *Nine-pence*.
- Every Judgment for ſuch Debt or Demand, *Nine-pence*.

And that the Fees belonging to the ſaid JUSTICES IN THE ORPHANS COURT *ſhall be as follows*, viz.

FOR
- ORDER to compel Adminiſtrators to pay according to their Bond, *Nine-pence*.
- Order to diſtribute the real Eſtate of Inteſtates, *One Shilling*.
- Order for Sale of Land, *One Shilling*.
- Order for Valuation of Land, *One Shilling*.
- Order to compel an Adminiſtrator to give better Security, *Nine-pence*.
- Order to compel an Executor to give better Security, *Nine-pence*.
- Order to put out Minors Money, *Nine-pence*,
- Order for Guardians, *One Shilling*.
- Giving Judgment upon the final Settlement of an Eſtate, Bench Fees, *Four Shillings*.

And that the Fees belonging to the Prothonotary or CLERK OF THE SUPREME COURT *ſhall be as follows*, viz.

FOR
- ENTRING every Action or Cauſe there, *One Shilling*.
- Filing the Errors aſſigned in every Cauſe, *One Shilling*.
- Every Retraxit, Diſcontinuance or Quaſhing of a Writ of Error, *One Shilling*.
- Entring every Appearance, *One Shilling*,
- Filing and entring any Demurrer, Plea, Replication, and every other ſubſequent Plea and Iſſue, *One Shilling* and *ſix-pence*.
- Calling the Jury, and atteſting them, *One Shilling* and *ſix-pence*.
- Atteſting each Witneſs in every Cauſe, *Nine-pence*.
- Recording every Verdict, *One Shilling* and *Six-pence*.
- Recording every Judgment, *One Shilling*.
- Entring every Continuance, *One Shilling* and *Six-pence*.
- Entring the Arreſt of Judgment, *One Shilling* and *Six-pence*.
- Entring every Warrant of Attorney, Committatur or Rule of Court, *One Shilling*.
- Reading the Record, which is all the Proceedings below and above, *Two Shillings*.
- Every *Noli proſequi*, *One Shilling*.
- Filing a Declaration, *One Shilling* and *Six-pence*.
- Reading every Affidavit, *Nine-pence*.
- Acknowledging Satisfaction upon Record, *One Shilling* and *Six-pence*.
- Every *Subpoena* to give Evidence, *One Shilling* and *Six-pence*
- Drawing every Bill of Coſt at large, *One Shilling* and *Six-pence*.

And that the Fees belonging to the CLERK *of the Court of the* GENERAL QUARTER SESSIONS *of the Peace and Goal Delivery in every County and City of this Province ſhall be as follows,* viz.

FOR

EVERY Warrant of the Peace or Behaviour, requiring to bring Sureties, if drawn by the Clerk, *Nine-pence.*
Every common Warrant, *Subpoena* or Mittimus, if drawn by the Clerk, *Nine-pence.*
Every Depoſition upon Examination, if written by the Clerk, *Nine-pence.*
Every Recognizance, if drawn by him, *Ninepence.*
Every Indictment of Felony, Treſpaſs, Aſſault, Battery, Riot, *&c.* if drawn by the Clerk, *Three Shillings.*
A Copy thereof, *One Shilling.*
Entring every Appearance to every Indictment or Information, *Nine-pence.*
Diſcharge of every Perſon upon Bail for the Peace, good Behaviour, Contempt, or the like, with a Warrant of Diſcharge thereon, *One Shilling.*
Awarding and making out Proceſs, againſt the Defendant upon an Information or Indictment, *One Shilling.*
Diſcharge of every Indictment upon *Ignoramus*, *Nine-pence.*
Every Plea of not Guilty, *Nine-pence.*
Entring every ſpecial Plea or Demurer, *One Shilling.*
Entring every Submiſſion, *Nine-pence.*
Calling the Jury, and atteſting them, *Nine-pence.*
Atteſting each Witneſs in every Trial, *Four-pence.*
Entring every Verdict, *Nine-pence.*
Entring every Judgment, *Nine-pence.*
A Copy of every Judgment, *Six-pence.*
Every judicial Writ in criminal Cauſes, *Two Shillings* and *Six-pence.*
Reſpiting a Recognizance, *Nine-pence.*
Every Writ of Reſtitution, *Two Shillings.*
Drawing and entring, or copying every Order of Seſſions, *Nine-pence.*
Reading and entring of every Petition, *Nine-pence.*
Entring at large the Return of a Road laid out, *Two Shillings* and *Six-pence.*
A Copy thereof for every Sheet, containing thirty Lines, and Twenty Words in every Line, *Two Shillings.*
Making out the Eſtreats for levying Fine and Forfeitures of each Seſſion, *One Shilling.*
Entring Similiter to join Iſſue, *Six-pence.*
Relinquiſhing the Plea, and entring Submiſſion, *Nine-pence.*
A *Venire facias*, One Shilling.
Reading the Indictment and arraigning the Criminal, *Nine-pence.*
Continuing the Cauſe after Iſſue joined, *Nine-pence.*
Reading every Evidence upon Trial, *Four-pence.*
Allowing every Writ of *Certiorari*, Writ of Error or *Procedendo*, Six-pence.
Entring a *Noli proſequi*, Nine-pence.
Entring the Rule upon Motion to arreſt Judgment, *Nine-pence.*
Entring the Arreſt of Judgment, *Nine-pence.*
A *Habeas Corpus*, Two Shillings.

FOR

Drawing up and examining every Record of all the Proceedings upon Indictments or Informations, in Rolls of Parchment, not leſs than ten Inches wide, for every Line containing twelve Words, *Three-farthings per* Line.
A Copy and ſigning thereof, if required, *one Half-penny per* Line
Writing every Recommendation for a Licence to keep a publick Inn or Ale-houſe, for ſelling Proviſion, and all Sorts of Liquors, and making the Bond or Recognizance, and entring the ſaid Licence, Bond or Recognizance. *Five Shillings.*

And that the Fees belonging to the Prothonotary or CLERK OF THE COMMON PLEAS, *in every County of this Province, ſhall be as follows,* viz.

FOR

EVERY Arreſt, Attachment or Summons, *Three Shillings* and *Four-pence.*
Every Replevin, Three Shillings.
Entring every Action, Six-pence.
Filing the Declaration, Six-pence.
A Copy of the Declaration in an Action of Account, Debt, Detinue, Treſpaſs, Aſſumpſit, Trover and Ejectment, One Shilling.
A Copy of a Declaration, in an Action of Slander, Covenant or Waſte, Two Shillings.
Withdrawing or diſcontinuing every Action, Nine-pence.
Entring every Appearance, Six-pence.
Filing and entring every Demurrer, Plea, Replication, and Pleas ſubſequent, and Iſſue in every Action, Six-pence.
Entring every General Iſſue, Six-pence.
A Copy of every Plea, Replication, or Pleas ſubſequent, Six-pence.
Calling the Jury, and atteſting them, One Shilling.
Atteſting each Witneſs who ſhall give Evidence, on every Trial, Four-pence.
Recording every Verdict, Nine-pence.
Entring the Judgment, Nine-pence.
Every Continuance, Nine-pence.
Entring a Committatur, Nine-pence.
Entring every Warrant of Attorney, and filing, Six-pence.
Entring Remittitur for Debt or Damages, Nine-pence.
Drawing the Bill of Coſts at large, Nine-pence.
Acknowledging Satisfaction of a Judgment upon Record, Nine-pence.
Making out the Eſtrates for levying Fines and Forfeitures in each Court, One Shilling.
Eeach Cauſe contained in the Liſt of Iſſues to be ſet up in the Clerk's Office, and in Court, when ſitting, Three-pence.

And that the Fees belonging to the CLERK OF THE ORPHAN's COURT, *in every County of this Province, ſhall be as follows,* viz.

FOR

DRAWING Petitions, if done by the Clerk, Two Shillings and Six-pence.
Reading and filing Petitions, each One Shilling.
Entring Petitions on Record, each One Shilling and Nine-pence.
Entring Orders, and Recording, One Shilling.
Copy *inde*, and Seal, Four Shillings.

Entring

FOR
- Entring Rules for appointing Guardians, and recording, One Shilling and Nine-pence.
- Entring Rules for appointing Auditors to examine Accounts, One Shilling and Nine-pence.
- Reading filing, and recording Report of Auditors, one Shilling and Nine-pence.
- Entring Order of Confirmation of Auditor's Report, *&c.* one Shilling and Nine-pence.
- Drawing Notice of Sale, and Copy *inde*, Two Shillings.
- Entring Orders for Persons to make Partition, one Shilling and Nine-pence.
- Copy of the Order of Partition, and Seal, six Shillings.
- Reading, entring and filing the Return of the Partition, for every Line containing not less than twelve Words in each of them, one Half-penny, *per* Line.
- Entry of final Judgment, one shilling and nine-pence.
- Every Citation, two shillings.
- Drawing Pleas of Partition, and inserting the same in the Records, six shillings.
- Every *Subpœna ad testificandum*, and Seal, three shillings and six-pence.
- Every Search, one shilling.
- A Copy of a Record, for every Line, not less than twelve Words in a Line, one Half-penny.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Clerks of the Orphans Courts in every County within this Province, shall, and they are hereby enjoined to provide good large Books, of royal or other large Paper, well bound and covered, wherein they shall record in a fair and legible Hand all the Proceedings of the said Orphans Courts held within the said Counties respectively, together with exact Draughts of the Lands divided by order of the said Courts.

And that the Fees belonging to the REGISTER GENERAL *of this Province shall be as follows*, viz.

FOR
- GRANTING and making Letters of Administration, under the Seal of the Office, registering the same, and taking Bond, twelve shillings.
- Making and granting Probate of a Will, with Copy of a Will, under the Seal of the Office, and registring the same, *Fifteen Shillings*.
- A Copy of Letters of Administration, *Four Shillings*.
- A Citation, *Two Shillings*.
- Filing the Inventory, and certifying the Time when it was brought into the Office on the Back of the Bond, or if no Bond, giving the Executors such Certificate, *Nine-pence*.
- A Copy thereof if it exceed not *One Hundred Pounds*, *Three Shillings*: But if it amount to more, *six Shillings*.
- A Search, *One Shilling* and *Six-pence*.
- A Quietus, *Four Shillings*.
- Every Caveat, one Shilling.
- Filing and entring a Renunciation, one Shilling.
- A Copy of an Administrator's Account, if less than one Sheet, four Shillings, but if more, Three Shillings *per* Sheet
- A Copy or Exemplification of a Will under Seal, which does not go with the Probate, for every Line, not less than twelve Words, one Half-penny.

And that the Fees belonging to the ATTORNIES *at Law in this Province shall be as follows*, viz.

FOR
- EVERY Replevin, if drawn by the Attorney, Three Shillings.
- All Actions they shall undertake for Plaintiff or Defendant, with Declaration, Twelve Shillings.
- Attending every Writ of Enquiry, Four Shillings.
- Every Action brought to Judgment, Twelve Shillings.
- Writing every Writ of Enquiry, *Scire Facias*, *Venditioni Exponas*, or Execution, Three Shillings.
- Drawing the Recognizance for prosecuting a Writ of Error, or *Certiorari*, in the Supream Court, Two Shillings and Six-pence.
- Every Writ of Execution in that Court, Six Shillings.
- Drawing every Warrant of Attorney, Six-pence.

And the Fees belonging to the CONSTABLES *within this Province shall be as follows*, viz.

FOR
- SERVING a Warrant, One Shilling.
  Travelling Charges, Two-pence each Mile.
- Serving every Attachment, Two Shillings.
- Serving an Execution for a Debt not exceeding *Five Pounds*, One Shilling.
- Selling Goods taken in Execution, Two Shillings

And that the Fees belonging to all JURIES *and Inquests within this Province shall be as follows*, viz.

FOR
- TRYING all Actions upon Issue joined, *Eight-pence per* Man.
  Every Inquisition on Writs of Enquiry of Damages, Elegit, Partition, or any Inquest of Office, or other Enquiry, each Man Two Shillings *per Diem*.

AND that every WITNESS shall have for every Day he spends in going, coming and attending to give Evidence in any Cause, Two Shillings *per Diem*.

AND the CRYER of every Court shall have for every Action called in Court, *Nine-pence*.

And that the Fees belonging to the SURVEYORS *of Land within this Province shall be as follows*, viz.

FOR
- RECORDING Proprietary's Warrant, and Copy directed to his Deputy Surveyor to execute it, Two Shillings and Six-pence
- Every single Hundred Acres or lesser Quantity, survey'd by him, Seven Shillings and Six-pence.
- Every Tract of Land, above One Hundred Acres, for the first Hundred, Seven Shillings and Six-pence; and for every Hundred above, the Sum of Three Shillings.
- A whole Lot, with Return and Plot, Six Shillings.

Which said Fees respectively shall be paid upon their delivering up the Draught or Plot and

and Return of the Survey, ſigned with the Surveyor's own Hand, to the Owner or Poſſeſſor of the ſaid Lands or Lots, and not before.

FOR { Searching for a Warrant or Return, and Copy thereof, each One Shilling and Six-pence.
Travelling Charges, *Two-pence per* Mile.
A Search, if not found, *Nine-pence*.

And the Surveyor ſhall, in fair Books, record the Warrant, and ſhall duly prove the Draughts, and then record them.

FOR { Making a Return of the Proprietary's Warrant, after the Survey, into the Secretary's Office recording the ſame, and for a Draught, Six Shillings and Six-pence.

Which Fees as aforeſaid are to be in full of all Manner of Fees that the Surveyor, or his Deputies, by any Means whatſoever, may hereafter pretend to claim or take for any Matter or Thing relating to his ſaid Office.

AND that the Fees belonging to each CHAIN-CARRIER ſhall be after the Rate of Three Shillings, *per* Day and the Owner of the Land to find a Marker.

AND that the COLLECTOR of the King's CUSTOMS ſhall have for entring and clearing every Veſſel, above Thirty Tons, in full for all the neceſſary Papers and other Charges, Twenty-ſeven Shillings

AND that the NAVAL OFFICER ſhall have, for entring and clearing every ſuch Veſſel, with all the neceſſary Papers, Twenty-ſeven Shillings.

AND that the Comptroller ſhall have, for every Ship or Veſſel above one Hundred Tons, Seven Shillings and Six-pence; and for all other Veſſels above Thirty Tons, Six Shillings.

PROVIDED ALWAYS, That no Shallop, or Boat, paſſing between this Province and the Province of *New-Jerſey*, or the Three Lower Counties of *New-Caſtle*, *Kent* and *Suſſex*, on *Delaware*, ſhall be liable to pay any Reward for entring or clearing; and that one General Permit, for all Goods ſhip'd on Board ſuch Shallops or Boats, to be taken from the Maſter's Report, ſhall be ſufficient.

PROVIDED ALSO, AND BE IT ENACTED by the Authority aforeſaid, That if the Naval Officer ſhall refuſe to cancel the Plantation Bond, on *Return* of Certificate, he ſhall be liable to pay double Damages to the Party aggrieved, by ſuch Refuſal.

And that the Fees belonging to the NOTARIES-PUBLICK *ſhall be as follows*, viz.

FOR { Regiſtring a Bill of Exchange, Promiſſory Note or Bank Note, One Shilling and *Six*-pence.
Regiſtring a foreign Sea Proteſt, *Seven* Shillings and *Six*-pence.
Regiſtring a Copy of ſuch Proteſt, *&c.* one Shilling.
Regiſtring an Obligation, Letter of Attorney, or Writing of the uſual Length of one of theſe, with Probate under *Seal*, and Certificate, *Seven Shillings* and *Six*-pence.

Regiſtring

FOR { *Regiſtring* a Bill of Sale, Probate, *&c. Six Shillings.*
Regiſtring a foreign Bill of Exchange proteſted, with a Certificate, Five *Shillings.*
A certify'd Copy of ſuch Proteſt, Five *Shillings.*
Drawing and regiſtring a common *Sea* Proteſt (*Seal &c.*) Fifteen *Shillings.*
Drawing and regiſtring a Proteſt againſt Merchant, for detaining a *Ship* beyond proper Time, with Anſwer and Perſiſtance to proteſt, with *Seal* and regiſtring Thirty *Shillings.*
A certify'd Copy, under Seal, of a common Sea Proteſt, Ten Shillings.
A certify'd Copy of Proteſt againſt Merchant, *&c.* Fifteen Shillings.
Atteſtation to a Letter of Attorney, under Seal, Four Shillings and ſix-pence,
Notarial Affidavit to an Account under Seal, Four Shillings.
Proteſt of Bill of Exchange for Non-acceptance or Non-payment (or Promiſſory Note for Non-payment) and regiſtring, Seal, *&c.* ſix Shillings.

And that the Fees belonging to the JUDGE OF THE ADMIRALITY *ſhall be as follows*, viz.

FOR { EVERY final Sentence or Condemnation Fee, Twenty Shillings.
Atteſting all Depoſitions, Four Shillings.
Every Stipulation made before him, Eight Shillings.

And that the Fees belonging to the REGISTER OF THE ADMIRALITY COURT *ſhall be as follows*, viz.

FOR { FILING every Libel, Petition, Anſwer, Depoſitions, or any other Matter, one Shilling and ſix-pence.
Every Matter entered in the Minutes, or on Record, computing One Hundred and Five Words to a Side, and ſo *pro Rato per* Side, one Shilling and ſix pence.
Every Copy of Libel, Petition, Anſwer, Depoſitions, or any other Matter, *per* Side, one ſhilling and ſix-pence.
Every Writ under Seal, ſix ſhillings: except judicial Writs, which are to be *per* Side, one ſhilling and ſix-pence.
Filing Bill of Coſt, one ſhilling and ſix-pence.
Copy Bill of Coſt, one ſhilling and ſix-pence.
Entring and ſigning Decree or Judgment, ſix ſhillings.
Atteſting every Evidence in Court, Nine-pence.
Iſſue and Rule, four ſhillings and ſix-pence.
Drawing every Depoſition, *per* Side, one ſhilling and ſix-pence.
Every other Service not herein mentioned, *per* Side, and ſo *pro Rato*, one ſhilling and ſix-pence.

And that the Fees belonging to the MARSHAL OF THE ADMIRALITY COURT *ſhall be as follows*, viz.

FOR { SERVING every Writ for ſeizing a Veſſel, four ſhillings and ſix-pence.
Serving every Writ againſt the Commander, four ſhillings and ſix-pence.

Subpoena

FOR *Subpoena*, every Witneſs, two ſhillings,
Every *Non eſt inventus* on Writ of *Subpoena*, one ſhilling.
Atteſting every Evidence in Court, one ſhilling and ſix-pence.
Subpoena Appraiſers, ſeven ſhillings and ſix-pence.
Every Proclamation, two ſhillings and ſix-pence.

FOR Serving every Writ of Attachment, four ſhillings and ſix-pence.
Every Veſſel acquitted, ten ſhillings.
Any Service, when obliged to travel from Home, at the Rate of three-pence *per* Mile, beſides Ferriages and neceſſary Expences, to be allowed by the Judge, on Proof being made thereof.

AND if any Attorney-General, Clerk of any of the ſaid Courts, or other Perſon, draw any Indictment or Information defective, they ſhall draw new Bills or Informations *gratis*, or forfeit *Five Pounds* with full Coſts, to be recovered as hereafter directed.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all and every the reſpective Officers, and Attornies at Law, whoſe Fees are herein before reſpectively aſcertained, limited and appointed, ſhall, and are hereby required to make fair Tables of their Fees reſpectively, according to this Act, and to publiſh and to ſet up the ſame in Manner following, *viz.* The Fees of the reſpective Courts, in the ſaid Courts, from time to time, during the Sitting of the ſaid Courts; and the Fees of other Officers, in their reſpective Offices, within Three Months after the Publication hereof, where it ſhall be conſtantly expoſed to View and Inſpection of all Perſons who have Buſineſs in the ſaid Office. Tables of Fees to be ſet up in in Court and in the reſpective Offices.

AND if any Attorney at Law, or Officer herein before mentioned, ſhall neglect or delay to make and ſet up the Tables of their Fees, as herein before limited and appointed by this Act, or ſhall, by Colour of any Law, Cuſtom or Uſage of this Province, or *Great-Britain*, take, directly or indirectly, any more, greater or other Fees than is herein before appointed, for the doing, acting or performing any of the Matters or Things herein before enumerated; or ſhall make Demand of any Fees, without giving the Party of whom ſuch Fees ſhall be demanded, a Bill of Particulars, ſigned by him, if required; or ſhall refuſe, upon Demand, to give the Party a Receipt or Diſcharge, under his Hand, for the Fees, upon Payment thereof: every ſuch Perſon or Officer ſhall forfeit and pay for the firſt of every ſuch Offence, the Sum of *Ten Pounds*, current Money of this Province; and for the ſecond Offence, the Sum of *Twenty Pounds*, Money aforeſaid, one Half to the Governor, for the Support of this Government, and the other Half to him or them that ſhall ſue for the ſame: Which, with the Penalties and Forfeitures aforeſaid, ſhall be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law, or more than one Imparlance ſhall be allowed: And for the third, and every other Offence, be diſplaced or removed out of his Office, if held by Commiſſion under this Government, any Law, Cuſtom or Uſage to the contrary notwithſtanding. Penalties on Extortion &c.

AND it ſhall and may be lawful for any Perſon to refuſe Payment of Fees to any ſuch Officer who ſhall neglect to ſet up in his Office the Table of his Fees, as herein before enjoined.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, that no Attorney or Practitioner at Law, ſhall be admitted to make any Plea at the Bar, (except in his own Caſe) without taking the following Qualification by Oath or Affirmation, *viz.* Attornies before admitted to be qualified.

THOU ſhalt behave thyſelf in the Office of Attorney within the Court, according to the beſt of thy Learning and Ability, and with all good Fidelity, as well to the Court as to the Client; Thou ſhalt uſe no Falſhood, nor delay any Perſon's Cauſe for Lucre or Malice.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That from and after the Publication of this Act, the ſeveral Laws of this Province for regulating and eſtabliſhing Fees, made and paſſed in the ninth Year of the Reign of the late Queen *Anne*, and the firſt and ninth Years of the Reign of King *George* the Firſt, and every Article, Clauſe or Thing therein, or in any of them contained, ſhall be and are hereby repealed and made void, to all Intents and Purpoſes whatſoever. Repeal of former Acts.

Paſſed *Auguſt* 22d, 1752. Recorded A. Vol. 3. p. 253.
CONFIRMED by the Lords Juſtices in Council, May 10*th*, 1753.

XL. *An* ACT *for regulating Attachments not exceeding* Five Pounds.

WHEREAS in the Execution of a Law of this Province, paſt in the Twelfth Year of the Reign of King *William* the Third, intituled, *An Act about Attachments under* Forty Shillings, many fraudulent Practices have happened, not only to the Injury of ſuch Creditors, whoſe Demands have exceeded the Sums in the ſaid Act limited, but of ſuch other Creditors alſo as were willing to accept of an equal Share of their Debtors Effects, in Proportion to their Demands, and not have them waſted in needleſs Proſecutions. AND WHEREAS the legal Proceedings now uſed for the Recovery of Debts above *Forty Shillings*, and not exceeding *Five Pounds*, by Attachments, are generally attended with ſo much Expence as to conſume a large Part of the Debtor's Eſtate, to the great Loſs and Injury of both Debtors and Creditors: For remedying theſe Evils, BE IT ENACTED by the Honourable *JAMES HAMILTON*, Eſq; Lieutenant Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and of the Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame: That if any Perſon ſhall abſent him or herſelf out of this Government, or abſcond from his or her uſual Place of Abode, not taking Care to ſatisfy his or her juſt Debts, it ſhall and may be lawful for any Juſtice of the Peace of the County, where ſuch Perſon's Eſtate may be found, to grant a Writ of Attachment Preamble

Goods of Debtors absenting themselves may be attached by Writ of a Justice. The Plaintiff being first qualified to his Declaration

for any Debt not exceeding *Five Pounds*, directed to any Constable of the same County, to attach the Goods and Chattels or other Effects of such Person to answer the Creditor; but before the granting any such Attachment, the Person or Persons requesting the same, or some other credible Person or Persons for him or them shall, upon Oath or Affirmation, declare that the Defendant, in such Attachment is indebted to the Plantiff therein named, in a Sum not exceeding *Five Pounds*, and that the Defendant is and has been absconded from the Place of his usual Abode for the Space of six Days, with Design to defraud his Creditors, as is believed, and that the Defendant has not left a clear Fee-simple Estate in Lands or Tenements within this Province sufficient to pay his Debts so far as the Plantiff or Deponent knows or believes; which Oath or Affirmation, the Justice of the Peace that grants such Writ, is hereby impowered and required to administer: And if any Attachment be granted out otherwise, or contrary to the true Intent and Meaning hereof, the Justice of the Peace so granting the same shall, for every such Offence forfeit the Sum of *Five Pounds*, for the Use of him or her that will sue for the same.

Penalty on Justices acting contrary.

Form of Process.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That as soon as the Justice of the Peace, before whom the Writ of Attachment is returnable, accepts the Constable's Return thereof, the said Justice shall immediately appoint two substantial Freeholders to take into their Custody all the Goods and Chattels attached, for which they shall be accountable, until they shall dispose of the same as herein after is directed, and shall also forthwith publish his said Proceedings by Advertisements, in the most publick Places near the late Dwelling-place of the Person so as aforesaid absenting, and likewise in one or more of the publick News-papers within this Province, appointing the Time and Place for all the Creditors of the Person, against whose Effects and Estate the Attachment is granted, to appear, then and there to discover and make Proof of their Demands; and if, after a full and careful Examination, it shall appear that there is a just Debt due to any one Person from the said Defendant, exceeding the Sum of *Five Pounds*, that then and in every such Case the said Justice of the Peace shall no further proceed, but shall deliver and certify to the Prothonotary of the County Court of Common Pleas for the same County the said Attachment, and all Proceedings thereon had before him; whereupon it shall and may be lawful for the Justices of the said Court to grant and issue one Writ of Attchment only to the Person or Persons, who obtained the said Attachment from the said Justice of the Peace, if he demands the same, or if not, then to any other Creditor of the Defendant, to the Sheriff of the same County directed, requiring him to attach all the Goods, Chattels, Rights and Credits, Lands, Tenements and Hereditaments, of the said Defendant within his Bailiwick: By Virtue of which Writ, the said Sheriff shall, together with the Residue of the said Defendants real and personal Estate in the same County, attach and take into his Custody, all the Goods and Chattels of the said Defendant, or the Product of such Part of them as may be sold according to the Direction of this Act, then in the Hands and Possession of the said Freeholders; and that upon the Rerurn of the said Writ of Attachment by the said Sheriff, the Justices of the said Court of Common Pleas, and all other Persons acting under their Authority, shall proceed thereon in like Manner as, and shall have the same Jurisdiction and Powers for the discovering, selling, collecting, compelling Payment of, receiving and distributing the Estate, real and personal, of the Defendant amongst his Creditors, as they might or could have had if the said Writ of Attachment had, according to the Laws of this Province, heretofore made, issued out of the same Court.

If a Debt above 5l. appears, the Proceedings to be transmitted to the Court of C. P.

No second Attachment to issue in the same County.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That when any Attachment shall be granted by any Justice of the Peace, or any Writ of Attachment shall issue out of any County Court, according to the Directions of this Act, no second or other Attachment, or Writ of Attachment, granted or issued by the said Justice, or any other Justice within the same County, or by the Justices of the same County Court, against the real or personal Estate of the same Defendant, or the Execution of them, or any of them, shall bind or affect the Right, Title, Interest or Property of, or in the real or personal Estate of the same Defendant within the same County, or any Part thereof, while the Proceedings on the said first Attachment or Writ of Attachment remain undetermined, any Law, Usage, or Custom of this Province to the contrary notwithstanding.

Chargeable and perishable Goods may be sold after six Days Notice.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That when the said Justice of the Peace shall accept of the Return of an Attachment from the Constable as above directed, if it shall appear to the same Justice, that any Cattle or other Chattles neceſſary to be maintained at Expence, or any perishable Goods have been attached by Virtue of the same Attachment, it shall and may be lawful for the same Justice to order Sale of them to be made by the said Freeholders within ten Days, of which publick Notice shall be given, at least six Days before the Sale thereof, by Advertisements, to be set up at the most publick Places, near the Place of Sale; and that the Money arising therefrom shall be lodged in the Hands of the Freeholders aforesaid, to be attached or distributed among the Creditors in the Manner herein before, or hereafter directed and appointed.

The Residue to remain unsold three Months.

AND BE IT FURTHER ENACTED by the Authority aforesaid. That if no such Debt exceeding *Five Pounds*, shall, to the said Justice of the Peace appear to be due from the said Defendant, then the said Goods, Chattels and other Effects, in the Hands of the said Freeholders, shall be brought to an Appraisement, but not sold, except as is herein before excepted, until the Expiration of Three Months next after the Granting the Attachment, to the End that the Debtor may have Time to redeem them, if he see Cause, any Law of this Government to the contrary in any wise notwithstanding. And if, after the Expiration of three Months as aforesaid, the Debtor shall not appear and redeem them, on Notice thereof given to the Justice of the Peace, he shall forthwith order and direct the said Freeholders to make Sale thereof; and out of the Money arising therefrom, and all other Money then in their Hands from any Part of the Defendant's Estate arising, reasonable Charges first deducted, to make Payment to the Creditors, who shall appear and make Proof of their Debts within the said Three Months, in Proportion

tion to their reſpective Debts; and the Overplus, if any, to be returned to the Owner: But before any ſuch Sale is made, the Freeholders aforeſaid ſhall give at leaſt ten Days Notice thereof, by adverti ſing in the moſt publick Places, the Time and Place of ſuch Sale. And that the Conſtable ſhall receive *Two Shillings* for ſerving an Attachment, and *Three Shillings* for ſerving an Execution, and no more. Ten Days before Sale publick Notice to be given thereof.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Freeholders aforeſaid, within ſix Days next after making Sale and Diſtribution as is herein before directed, ſhall render a true Account of their Proceedings to the Juſtice of the Peace who granted the Attachment, to be by him kept as a Record of their Proceedings therein.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Act of General Aſſembly of this Province aforeſaid, intituled, *An Act about Attachments under* Forty Shillings, paſſed in the twelfth Year of the late King *William* the Third, be, and it is hereby repealed and made void. Repeal of a former Act.

Paſſed *Auguſt* 22d, 1752. Recorded A Vol 3 p 249.
CONFIRMED *by the Lords Juſtices in Council*, May 10th, 1753.

XLI. *An* ACT *to prevent the Exportation of Proviſions, naval or warlike Stores, from this Province to* Cape-Breton, *or to any other the Dominions of the* French *King, or Places at preſent in Poſſeſſion of any of his Subjects.*

Paſs'd *April 5th*, 1755. ---*Expired.*--- Recorded A. vol. 3 p. 304.

XLII. *An* ACT *to continue an* ACT, intitu'ed *An* ACT *to prevent the Exportation of Proviſions naval or warlike Stores, from this Province to* Cape-Breton, *or to any other the Dominions of the* French *King, or Places at preſent in Poſſeſſion of any of his Subjects*

Paſſed *June 18th*, 1755. ---*Expired*--- Recorded A. Vol. 3. p. 308.

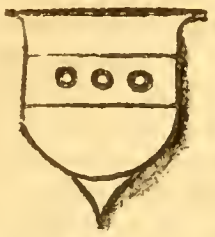
XLIII. *An* ACT *for ſtriking the Sum of* Ten Thouſand Pounds *in Bills of Credit, to exchange ſuch of thoſe now by Law current, within this Province, as are torn and defaced.* XXIX GEO II.

WHEREAS moſt of the Bills of Credit emitted by the ſeveral Acts of Aſſembly of this Province are ſo torn and defaced, that the Currency thereof is allmoſt ſtopped, and the ſaid Bills of Credit become uſeleſs to the People: For remedying of which Inconveniency, and yet that no Addition may or ſhall be made by this Act to the Sum of the Bills of Credit now current in this Province. Preamble,

BE IT ENACTED by the Honourable *ROBERT HUNTER MORRIS* Eſq; Lieutenant Governor, under the Honourable THOMAS PENN and RICHARD PENN, Eſquires, true and abſolute Proprietors of the Province of *Penn'ylvania*, and of the Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That indented Bills of Credit of the Value of *Ten Thouſand Pounds* of lawful Money of *America*, according to the Act of Parliament made in the Sixth Year of the late Queen ANNE, for aſcertaining the Rates of Foreign Coins, in the Plantations in *America*, ſhall, before the Firſt Day of *October* next, after the Paſſing of this Act, be prepared and printed, under the Care and Direction of the Truſtees of the General Loan-Office of *Penn'ylvania*, and at the Charge of the Province; and ſo be defrayed out of the Intereſt Money ariſing, or to ariſe, from any of the Bills of Credit formerly emitted, or to be emitted, by any Truſtees of the General Loan-Office; which Bills ſhall be made and prepared in the Form following, and no other, *viz.* £. 10,000 to be ſtruck in Bills of Credit.

THIS *Bill by Law ſhall paſs current for* *within the Province of* Pennſylvania. *Dated the Firſt Day of* October, *One Thouſand Seven Hundred and Fifty-five.* Form.

AND the ſaid Bills ſhall have ſuch like Eſcutcheons as in the Margin hereof, with ſuch other Devices on the ſaid Bills as the ſaid Truſtees ſhall think fit, as well to prevent Counterfeits, as to diſtinguiſh the ſeveral Denominations. Each of which Bills ſhall be of the ſeveral and reſpective Denominations following, and no other, *viz.*



SIX Thouſand of the ſame Bills, the Sum of *Ten Shillings* in each of them,

TEN Thouſand of the ſame Bills, the Sum of *Five Shillings* in each of them. Number and Denominations thereof.

TEN Thouſand of the ſame Bills, the Sum of *Two Shillings* and *Six-pence* in each of them.

TEN Thouſand of the ſame Bills, the Sum of *Two Shillings* in each of them.

TEN Thouſand of the ſame Bills, the Sum of *One Shilling* and *Six-pence* in each of them.

TEN Thouſand of the ſame Bills, the Sum of *One Shilling* in each of them,

TEN Thouſand of the ſame Bills, the Sum of *Nine-pence* in each of them,

TEN

TEN Thouſand of the ſame Bills, the Sum of *Six-pence* in each of them.

ELEVEN Thouſand Two Hundred and *Fifty* of the ſame Bills, the Sum of *Four-pence* in each of them.

FIFTEEN Thouſand of the ſame Bills, the Sum of *Three-pence* in each of them.

AND the ſaid Truſtees ſhall uſe the beſt of their Care, Attention and Diligence, during the Printing of the ſaid Bills, that the Number and Amount thereof, according to their reſpective Denominations aforeſaid, be not exceeded, nor any fraudulent and clandeſtine Practice uſed by the Printer, his Servants, or any Perſon concerned therein.

AND, for the Perfecting the ſaid Bills, to make them current within this Province, according to the true Intent and Meaning of this Act, BE IT FURTHER ENACTED by the Authority aforeſaid That all of the ſaid Bills, of the Value of *One Shilling*, and upwards, ſhall be ſigned by Three of the Perſons following; and all under the Value of *One Shilling*, ſhall be ſigned by one of them, and no more; that is to ſay, *Evan Morgan, Joſeph Fox, James Pemberton, Hugh Roberts, John Reynell, Joſeph Wharton, John Smith, Iſaac Greenleaſe, Iſaac Jones, Thomas Croſby, Daniel Williams, Charles Jones, Samuel Hazard, Samuel Roads, Joſeph Morris, Samuel Sanſom, Edward Pennington, Thomas Clifford, William Grant, Thomas Say, Joſeph Saunders, Joſeph King, Owen Jones, Jonathan Evans, William Logan, and Samuel Burge*, who are hereby nominated and appointed to be Signers of the ſaid Bills, and ſhall, before they receive or ſign any of the ſaid Bills of Credit, take an Oath or Affirmation to the following Effect, *to wit*,

Signers Names.

Their Qualification

THAT they ſhall well and truly ſign and number all the Bills of Credit that ſhall come to their Hands for that Purpoſe, by the Direction of this Act, and no more; and the ſame ſo ſigned and numbered, will deliver unto the Truſtees of the General Loan-Office of Pennſylvania, *or one of them, purſuant to the Direction of this Act.*

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Truſtees, after the ſaid Bills are printed, ſhall deliver them to the ſaid Signers, to be ſigned and numbered by Parcels; for which the ſaid Signers, or ſome of them, ſhall give their Receipt; That is to ſay, *One Thouſand Pounds*, Value in the ſaid Bills at one Time, and ſo from Time to Time, until all the ſaid Bills of Credit ſhall be ſigned and numbered. Of all which Bills of Credit, ſo delivered to be ſigned by the Truſtees, true Account ſhall be kept by the Signers, who, upon Redelivery of each, or any Parcel of the ſaid Bills of Credit, by them ſigned and numbered, to the Truſtees of the General Loan-Office, ſhall take the Receipt of the ſaid Truſtees, to charge them before any Committee of Aſſembly to be appointed for that Purpoſe.----And the ſaid Signers ſhall have *Fifteen Shillings* a Piece for every Thouſand of the aforeſaid Bills by them reſpectively ſigned and numbered, within ten Days after the Redelivery thereof to the ſaid Truſtees, to be paid by them out of the Intereſt Money. And if any of the Perſons, before nominated to be Signers, ſhall happen to die, refuſe, or be rendered incapable of doing his or their Duty by this Act required, the Aſſembly for the Time being, ſhall appoint ſome other Perſon or Perſons in his or their Stead, from Time to Time, until all the Bills hereby directed to be made be wholly ſigned and numbered as aforeſaid.

AND BE IT ENACTED by the Authority aforeſaid, That the Truſtees of the Loan-Office, for the Time being, and each of them, before they iſſue, in Exchange, any of the Bills by this Act ordered to be ſtruck, ſhall reſpectively take an Oath or Affirmation, in the Form and Words following, *that is to ſay*,

Qualification of the Truſtees of the General Loan-Office

I A. B. *do ſwear* (*or* I. A. B. *do ſolemnly, ſincerely and truly declare and affirm*) *That I will not directly or indirectly iſſue or diſpoſe of, or knowingly ſuffer to be iſſued or diſpoſed of, any Bill or Bills of Credit, ſtruck by Virtue of an Act of General Aſſembly, paſſed in the Twenty-ninth Year of the Reign of King* GEORGE *the Second, intituled*, An Act for ſtriking the Sum of *Ten Thouſand Pounds* in Bills of Credit, to exchange ſuch of thoſe now by Law current within this Province, as are torn and defaced, *but only in Exchange for ragged, torn or defaced Bills of Credit, now by Law current within this Province.*

WHICH Oath or Affirmation any one Juſtice of the Peace, within this Province, is impowered and required to adminiſter, who ſhall certify the ſame under his Hand and Seal into the Office for recording of Deeds for the City and County of *Philadelphia*, to be there recorded, within ten Days after adminiſtring the ſaid Oath or Affirmation.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Truſtees, after the Receipt of the ſaid new Bills, ſigned and numbered as aforeſaid, or ſome fit Perſon, for whom they ſhall be accountable, ſhall give due Attendance at their Office, and ſhall deliver out the ſame unto ſuch Perſons as ſhall demand them in Exchange for Bills of the ſame Value which are torn, ragged and defaced, made and emitted by Direction of any former Acts of Aſſembly of this Province, purſuant to the Directions of the ſaid ſeveral Acts. Which ſaid old Bills, ſo to be received by the ſaid Truſtees, ſhall be kept by them for their Vouchers to diſcharge them of ſo much of the aforeſaid *Ten Thouſand Pounds* Value, in new Bills, as they ſhall have given in Exchange as aforeſaid, before any Committee of Aſſembly appointed, or to be appointed, for that Purpoſe; who having duly examined the ſaid old Bills ſo received in Exchange, ſhall cauſe the ſame to be burnt and deſtroyed in their Preſence. And the ſaid Truſtees ſhall be paid for exchanging each *Thouſand Pounds* of the torn and defaced Bills aforeſaid, *Three Pounds*; and ſo in Proportion for any leſſer Quantity, to be defrayed out of the Intereſt Money aforeſaid

Shall give Attendance for exchangig old Bills.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the new Bills hereby directed to be made and ſigned, and iſſued in Purſuance of this Act, ſhall in all Reſpects have the ſame Currency, and be of the ſame Effect in Law and Equity, in Reſpect of Payments, Tenders and Diſcharge of all Manner of Debts, Rents, Sum and Sums of Money due, payable or accruing upon or by Reaſon of any Mortgage, Bill, Bond, Specialty, Note, Account, Promiſe

New Bills to have the ſame Currency as the old ones.

Promiſe or Contract, whatſoever, to all Intents and Purpoſes, as the Bills of Credit formerly emitted, and now by Law current within this Province. And that any Perſon or Perſons, who ſhall preſume to forge or counterfeit any of the Bills of Credit to be made, in Purſuance of this Act, or ſhall be aiding or aſſiſting therein, or ſhall enlarge the Value of the Sum expreſſed in any of the ſaid Bills, or ſhall utter, or cauſe to be uttered, or offered in Payment any ſuch Bill or Bills, knowing the ſame to be forged, or counterfeited, or the Sum or Value therein altered, with an Intent to defraud any other Perſon, he, ſhe or they, ſo offending, and being thereof legally convicted, ſhall, for every ſuch Offence, incur and ſuffer the ſame Pains and Penalties reſpectively, as Forgers or Counterfeiters of Bills are by former Acts of Aſſembly directed to incur and ſuffer. And the Diſcoverer or Proſecutor, by Virtue of this Act, ſhall be entitled to like Rewards, as by former Acts of Aſſembly is directed in Reſpect to the Bills now current. Penalty on counterfeiting and altering the ſame.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That this Act ſhall be taken and allowed in all Courts and Places within this Province, as a publick Act; and all Judges, Juſtices, and other Perſons concerned, are hereby required to take Notice thereof accordingly. Publick Act.

Paſs'd *June* 28*th*. 1755. Recorded A Vol. 3. p. 310.

XLIV. *An* ACT *for extending ſo much of an Act of Parliament*, intituled, "*An Act for puniſhing Mutiny and Deſertion, and for the better Payment of the Army, and their Quarters*," *paſſed in the Twenty-eighth Year of the preſent Reign, as relates to the Quartering and Billetting of Soldiers, and Payment of their Quarters, in that Part of* Great-Britain *called* England.

Paſs'd *Auguſt* 15*th*. 1755. Recorded A. Vol. 3. p. 315.

Repealed *by the King in Council, July* 7*th*. 1756.

XLV. *An* ACT *to continue an Act*, intituled, *An* ACT *for directing the Choice of Inſpectors "in the Counties of* Cheſter, Lancaſter, York, Cumberland, Berks *and* Northampton."

Paſs'd *September*, 27*th*. 1755. ---*Expired*.--- Recorded A. Vol. 3. p. 365.

XLVI. *An* ACT *for the better* Ordering *and Regulating ſuch as are willing and deſirous to be united for Military Purpoſes within this Province.*

Paſs'd *November* 25*th*. 1755. Recorded A Vol. 3, p. 342.

Repealed *by the King in Council*, July 7th, 1756.

XLVII. *An* ACT *for granting the Sum of* Sixty Thouſand Pounds *to the King's Uſe, and for ſtriking* Fifty-five Thouſand Pounds *thereof, in Bills of Credit, and to provide a Fund for ſinking the ſame.*

WHEREAS the King's Service at this Time requires extraordinary Supplies from this Province, and the Treaſury (by the ſeveral Sums of Money already given by former Aſſemblies for purchaſing Proviſions for the King's Forces, erecting and maintaining Poſts, Payment of Expreſſes, clearing of Roads, maintaining of *Indians*, and other heavy Charges for the King's Uſe) is exhauſted: We the Repreſentatives of the Freemen of the Province of *Pennſylvania*, being deſirous of demonſtrating our Duty to our Sovereign, and willing to give a further Teſtimony of our Loyalty, and the moſt ſincere Affection of his loving Subjects within this Province, do pray, that it may be enacted, AND BE IT ENACTED by the Honourable *ROBERT HUNTER MORRIS, Eſq;* Lieutenant Governor under the Honourable THOMAS PENN, and RICHARD PENN, *Eſquires*, true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *Newcaſtle, Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That *Fifty-five Thouſand Pounds* in Bills of Credit, to be ſtruck by Virtue of this Act, ſhall be given to the King's Uſe. Preamble. 55,000 l. given to the King's Uſe.

And to the End the *Fifty-five Thouſand Pounds* in Bills of Credit, ſo as aforeſaid given, may be duly ſunk and deſtroyed, BE IT FURTHER ENACTED by the Authority aforeſaid, That there ſhall be levied upon all the Eſtates, Real and Perſonal, within this Province, of all and every Perſon and Perſons (the Eſtates of the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, Proprietaries of the Province of *Pennſylvania*, only excepted, in Conſideration of their free Gift herein after mentioned) the Sum of *Six-pence* for every *Pound*, clear Value of the ſaid Eſtates, yearly, for the Space of four Years, to be paid by the Owners or Poſſeſſors thereof. And that every ſingle Freeman, whether reſiding with his Parents or elſewhere, who at the Time of the Aſſeſſment, ſhall be of the Age of Twenty-one Years, and hath been out of his Apprenticeſhip or Servitude for the Space of ſix Months and is not worth in Goods or Chattels *Thirty Pounds*, ſhall pay the Sum of *Ten Shillings*, except ſuch as now are or hereafter ſhall be engaged in his Majeſty's Service. All which ſaid ſeveral Sums ſo to be raiſed as aforeſaid, ſhall be aſſeſſed and levied as in and by an Act paſſed in the Eleventh Year of the late King GEORGE the Firſt, intituled, *An Act for raiſing of County Rates and Levies*, is directed to be aſſeſſed and levied. And that every Article, Clauſe and Thing therein contained, concerning the aſſeſſing and levying Taxes, ſhall be uſed, exerciſed and put in Practice for aſſeſſing and levying the Tax hereby impoſed, as if the ſame Articles, Clauſes and Things were inſerted in this Act, except in ſuch Caſes as are herein aſcertained, provided for, or altered. and levied Six-pence in the Pound upon all Eſtates (the Proprietaries excepted) and ten Shillings per Head.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Commiſſioners of

County Commissioners to direct the Constables to return a List of the Inhabitants.

the respective Counties, or any two of them, shall, as soon as may be, after the Expiration of Six Months next following the Publication of this Act, issue forth their Precepts, directed to the Constables of every Township, requiring them to bring to the respective Assessors, within three Weeks next after the Date of such Precepts, fair and true Certificates in Writing, upon their Oaths or Affirmations, of the Names and Surnames of all and every the Persons dwelling or residing within the Limits of those Townships or Places, as in and by the herein before mentioned Act for raising of County Rates and Levies, and as by this present Act is particularly set forth, and directed to be assessed.

Qualification of Commissioners and Assessors.

BUT before the Commissioners and Assessors shall take upon them the respective Service and Duty by this Act required of them, they shall take an Oath or Affirmation to the Effect following, *that is to say*;

THOU shalt well and truly cause the Rates and Sums of Money, by Virtue of this Act imposed, to be duly and equally assessed, and laid, according to the best of thy Skill and Knowledge, and herein thou shalt spare no Person for Favour or Affection, nor grieve any for Hatred or Ill-will.

Which Qualification shall be administred as in and by the said Act for raising County Rates and Levies is enjoined and required.

Penalty on neglect

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if the said Commissioners or Assessors shall refuse or neglect to perform and discharge the Duties required of them by this, or the before-mentioned Act, each and every of the said Commissioners or Assessors so refusing, shall forfeit and pay to the Provincial Treasurer the Sum of *Twenty Pounds*.

Allowance of the Constables, Assessors, County Treasurers, and Collectors.

PROVIDED ALWAYS, That all Fines and Forfeitures arising by Virtue of this Act shall be levied as in the aforesaid Act for raising of County Rates and Levies is directed, and shall be paid and added to the publick Provincial Stock. PROVIDED ALSO, That the Constables shall have and receive for their Care and Trouble in executing and returning the Precepts by this Act directed and enjoined, *One Penny per Pound*, and no more; and that the Assessors, for their Time and Labour in their Assessments, shall be allowed *Three-pence per Pound* upon the whole Sum contained in the Rates of their respective Counties, after the Assessment is rectified and adjusted by the Commissioners, and no more; and that the County Treasurers shall be allowed for their Care and Trouble, *One per Cent*, for all Monies by them received and paid, and no more; and that the Collectors shall retain in their Hands for all Sums of Money by them respectively collected, *Six-pence per Pound*, and no more, any Thing in this Act, or in the aforesaid Act for raising of County Rates and Levies, to the contrary notwithstanding.

Penalty on Collectors neglecting.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if the said Collector or Collectors shall refuse or neglect to take upon him or themselves the Trust and Duty required of him or them by this Act, he or they so refusing, shall forfeit and pay to the County Treasurer the Sum of *Ten Pounds* each; and the Assessors shall appoint some other fit Person or Persons in the Place or Stead of the Collector or Collectors so refusing or neglecting as aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all the Sum or Sums of Money levied by the Collectors of the respective Districts throughout this Province, by Virtue of this Act, shall be paid by the said Collectors to the County Treasurers, and by the County Treasurers, respectively, into the Hands of the Provincial Treasurer.

Treasurers to give Bonds.

BUT BE IT FURTHER ENACTED by the Authority aforesaid, That before the said Provincial Treasurer, or the said respective County Treasurers, for the Time being, shall receive any of the Monies to be raised by Virtue of this Act, they shall severally become bound with one or more sufficient Sureties, as follows, *that is to say*; The said Provincial Treasurer, for the Time being, in an Obligation of *Five Thousand Pounds* to the Governor, or Commander in Chief of this Province for the Time being, and the several County Treasurers within this Province, each, in an Obligation of *One Thousand Pounds* unto the Commissioners of the proper County, conditioned for the true and faithful Performance and Discharge of their Duty respectively, in the Execution and Observance of this Act.

Tenants Goods distrainable for the Tax of the Land.

AND whereas some Owners of Land, whereon Improvements are made, may not reside in the same County or District where such Land lies, whereby it may be difficult to recover or collect the Tax assessed on the said Land, BE IT THEREFORE ENACTED by the Authority aforesaid, That the Tenant or other Person residing on, and having the Care of such Lands, their Goods and Chattels, and the Goods and Chattels of the Landlords (on his Refusal or Neglect to pay) if there found, shall be liable to be distrained for the Payment of the said Tax. And in case the Tenant or Person having the Care thereof shall pay, or their Goods be distrained for the same, then it shall and may be lawful to and for the said Tenant to deduct the Tax so paid out of the Rent agreed for; or for the Tenant or Tenants, or Person having Care of the said Lands, to recover the same from the Owner, by Action of Debt, in any Court where the same shall be cognizable, together with Costs of Suit; PROVIDED, That nothing in this Act shall, in any Manner, alter any Contract heretofore made between any Landlord and Tenant.

Lands located and not improved to be taxed,

AND forasmuch as large Tracts of valuable Lands have been located and held in this Province without Intention of Improvement, but merely in Expectation of receiving hereafter higher Prices for private Advantage, by Means whereof those Lands remain uncultivated, and great Numbers of People have been necessitated to leave this Province, and settle in other Colonies, where Lands are more easily purchased, to the manifest Injury and Charge of the Publick: And forasmuch as those Lands, by the Act for raising County Rates and Levies, herein before mentioned, are exempted, and cannot by the Laws now in being be taxed, it is thought reasonable on this Occasion to settle the Manner by which the said Lands shall be assessed and rated in their Proportion of the Tax hereby imposed on all the Estates, real and personal, within this Province;

BE

BE IT THEREFORE ENACTED by the Authority aforeſaid, That all ſuch located and unimproved Lands ſhall be rated, according to their Situation and Value, at any Prices not exceeding *Fifteen Pounds*, nor under *Five Pounds*, for every Hundred Acres of ſuch unimproved Land. And if the Owner or Owners of the ſaid Lands, or ſome Perſon or Perſons for them, do not appear, or ſhall neglect or refuſe to pay the Rates aſſeſſed thereon by the Space of thirty Days after the Days of Appeal, then, and ſo often as this ſhall happen, the ſaid Lands, together with the Rates aſſeſſed thereon, ſhall be advertiſed in the Townſhip or County in which ſuch Lands do lie, or in the Place or Town where ſuch Owner or Owners dwell. And the Commiſſioners of the reſpective Counties ſhall, and they are hereby required to give publick Notice thereof in the *Pennſylvania Gazette*, for at leaſt three Months, that Sale will be made of ſuch Part of the ſaid Land as ſhall be ſufficient to diſcharge the Taxes due for the ſame, and all Charges accruing by Reaſon of the Refuſal or Non-payment thereof. And if the Owner or Owners of ſuch Lands, or ſome Perſon or Perſons in their Behalf, do not appear and diſcharge and pay the ſaid Taxes, with all Charges as aforeſaid, then the ſaid Commiſſioners of the reſpective Counties are authorized and hereby impowered to ſell the ſaid Land, or ſo much thereof as aforeſaid by publick Vendue, to ſuch Perſon or Perſons as may appear and give moſt for the ſame, returning the Overplus, if any be, to the Owner or Owners of ſuch Land, or their legal Repreſentative as aforeſaid, after all neceſſary Charges deducted. And when any Sale of ſuch Land ſhall be ſo as aforeſaid made by the Sheriff or Coroner reſpectively, purſuant to this Act, the Title and Conveyance thereof ſhall be, by Deed, ſigned, ſealed and delivered by the Sheriff or Coroner, to ſuch Perſon or Perſons as ſhall purchaſe the ſame in Fee Simple, which ſhall be moſt abſolute and available in Law againſt the ſaid Delinquents, and their Heirs and Aſſigns, and all claiming under them.

And if not paid for to be ſold.

AND whereas many Perſons reſiding in this Province have ſeated themſelves on certain large Tracts of Land, neither having Property therein, or paying Rent for the ſame, yet nevertheleſs do actually hold and occupy certain Parts thereof, and therefrom do receive the like common Benefits that the Freeholders of this Province do generally receive from their Fee Simple Eſtates; and to exempt ſuch Perſons, ſeated as aforeſaid, from paying their juſt Proportion of the Taxes herein directed to be levied, for the Lands they ſeverally hold and occupy as aforeſaid, would be a manifeſt Injury to the ſaid Freeholders, and other Inhabitants of this Province made rateable by this Act. For remedying whereof, BE IT ENACTED by the Authority aforeſaid, That all and every Perſon or Perſons reſiding within this Province, ſeated on, occupying, and holding Lands, not having the Property thereof, or paying Rent for the ſame, ſhall, notwithſtanding, give a true Account of the particular Parts of all ſuch Land which they are reſpectively ſeated on, both clear and Woodland, as much as they pretend to hold, to the Aſſeſſors of this Province reſpectively, when thereunto required, and ſhall pay their ſeveral and reſpective Taxes for the ſame in like Manner as the Freeholders aforeſaid are liable to do by Virtue of the Directions of this Act; and upon neglecting or refuſing to give ſuch Accounts, and pay ſuch Taxes as aforeſaid, ſhall be ſubject to the like Pains and Penalties as the ſaid Freeholders are ſubject to by Virtue of the Directions of this Act, or by the before mentioned Act for raiſing County Rates and Levies.

Perſons occupying Land without Title ſhall pay Tax for the ſame.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Provincial Treaſurer ſhall, and he is hereby impowered and required to order and direct the County Treaſurers reſpectively, ſo often as he ſhall think neceſſary, to lay before him the Books and Accounts of the Rates and Aſſeſſments, and to pay the Money that ſhall be in their Hands by Virtue of this Act. And if thereupon the ſaid County Treaſurers, or either of them, ſhall neglect or refuſe to produce his ſaid Books and Accounts, and to pay the Monies in his or their Hands, according to the Directions of this Act, the ſaid Provincial Treaſurer may, and ſhall, forthwith proceed againſt ſuch County Treaſurer or Treaſurers ſo neglecting or refuſing, in the ſame Manner as the County Commiſſioners are directed to proceed againſt delinquent Collectors in the before recited Act for raiſing County Rates and Levies, in order to recover the Monies due to the Provincial Treaſury from ſuch delinquent County Treaſurer.

County Treaſurers to account with, and pay unto the Provincial Treaſurer.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Provincial Treaſurer ſhall, out of the Money paid into his Hands by Virtue of this Act, yearly, and every Year, for the Space of four Years, next enſuing the firſt Day of the Month called *May* next, pay into the Hands of the Truſtees of the General Loan-Office, for the Time being, *Thirteen Thouſand Seven Hundred* and *Fifty Pounds*, in Bills of Credit of this Province; which Sums ſo to be paid in to them the ſaid Truſtees, ſhall, yearly, during the Term laſt aforeſaid, be by them produced to the Committees of Aſſembly appointed for that Purpoſe, and in their Preſence be burnt and deſtroyed.

Who ſhall pay to the Truſtees.

AND the ſaid Provincial Treaſurer, for his Trouble in receiving and paying the Monies, and performing the Duties by this Act required, ſhall have and receive *Ten Shillings* for every *Hundred Pounds*, and no more.

AND the ſaid Truſtees, for their Trouble in receiving and ſinking the ſaid Bills, ſhall have and recive *Ten Shillings* for every *Hundred Pounds*, and no more.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That Bills of Credit to the Value of *Fifty-five Thouſand Pounds*, current Money of *America*, according to an Act of Parliament, made in the Sixth Year of the Reign of the late Queen *Anne*, for aſcertaining the Rates of foreign Coins in the Plantations of *America*, ſhall be prepared and printed within two Months, next after the paſſing of this Act, on good ſtrong Paper, under the Care and Direction of the Truſtees of the General Loan-Office for the Time being; the Charges whereof to be paid by the Provincial Treaſurer, out of the Monies to ariſe by Virtue of this Act. Which Bills ſhall be made and prepared in the Manner and Form following, and no other, *viz.*

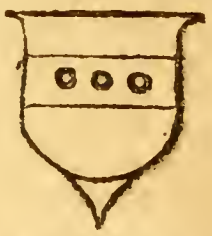
£5,000 l. to be ſtruck in Bills of Credit.

THIS

THIS Bill ſhall paſs current for within the Province of Pennſylvania, *according to an Act of General Aſſembly of the ſaid Province, made in the Twenty-ninth Year of the Reign of King* GEORGE II. *Dated the Firſt Day of the Month called* January, *One Thouſand Seven Hundred and Fifty-ſix.*

Form of the Bills.

AND the ſame Bills ſhall have ſuch like Eſcutcheons as in the Margin hereof, with ſuch other Devices on the ſaid Bills as the ſaid Truſtees ſhall think fit, as well to prevent Counterfeits, as to diſtinguiſh their ſeveral Denominations: Each of which Bills ſhall be of the ſeveral and reſpective Denominations following, and no other, *viz.*



FIFTEEN Thouſand of the ſame Bills, the Sum of *Twenty Shillings* in each of them.

Number and Denominations thereof

TWENTY Thouſand of the ſame Bills, the Sum of *Fifteen Shillings* in each of them.

TWENTY Thouſand of the ſame Bills, the Sum of *Ten Shillings* in each of them.

TWENTY Thouſand of the ſame Bills, the Sum of *Five Shillings* in each of them.

THIRTY Thouſand of the ſame Bills, the Sum of *Two Shillings and Six-pence* in each of them.

THIRTY Thouſand of the ſame Bills, the Sum of *Two Shillings* in each of them.

THIRTY Thouſand of the ſame Bills, the Sum of *One Shilling and Six-pence* in each of them.

TWENTY Thouſand of the ſame Bills, the Sum of *One Shilling* in each of them.

AND the Truſtees ſhall uſe the beſt of their Care, Attention and Diligence, during the printing of the ſaid Bills, that the Number and Amount thereof, according to their reſpective Denominations aforeſaid, be not exceeded, nor any clandeſtine or fraudulent Practice uſed by the Printer, his Servants, or others concerned therein.

AND for perfecting the ſaid Bills, to make them current within this Province, according to the true Intent and Meaning of this Act, BE IT FURTHER ENACTED by the Authority aforeſaid, That all and every of the ſaid Bills ſhall be ſigned by three of the Perſons hereafter named; that is to ſay, *Evan Morgan, John Baynton, Thomas Croſby, Thomas Wharton, Joſeph Marriott, Daniel Roberdeau, Attwood Shute, Samuel Neave, Charles Stedman, Jonathan Evans, Edmund Kearney, John Taylor, William Grant, Amos Strettell, Samuel Morris, Jacob Duche, Thomas Gordon, Charles Meredith, Redmond Conyngham, Daniel Benezet, William Fiſher, George Okill, Abel James, Joſeph King, William Vanderſpiegel, Joſeph Redman, William Shippen, William Griffitts, Enoch Flower, Henry Harriſon, Charles Jones, Iſaac Paſchall, Thomas Davis,* and *Jacob Lewis,* who are hereby nominated and appointed to be ſigners of the ſaid Bills; and ſhall, before they receive or ſign any of the ſaid Bills, take an Oath or Affirmation to the following Effect, *viz.*

Signers Names.

THAT they ſhall well and truly ſign and number all the Bills of Credit that ſhall come to their Hands, for that Purpoſe, by the Direction of this Act; and the ſame ſo ſigned and numbered, will deliver, or cauſe to be delivered, unto the Truſtees of the General Loan-Office of the Province of Pennſylvania, *purſuant to the Direction of this Act.*

Their Qualification

AND for avoiding the Danger of Embezzlement or Miſapplication of any of the ſaid Bills of Credit it is hereby further ENACTED, ORDAINED, and PROVIDED, That the ſaid Truſtees, after the ſaid Bills are printed, ſhall deliver them to the ſaid Signers, to be ſigned and numbered by Parcels; for which the ſaid Signers, or ſome of them, ſhall give their Receipt; That is to ſay, *One Thouſand Pounds* Value in the ſaid Bills at one Time, and ſo from Time to Time, until all the ſaid Bills of Credit ſhall be ſigned and numbered: Yet ſo as that the ſaid Truſtees ſhall not deliver any other of the ſaid Bills to the Signers aforeſaid, whilſt the Sum in their Cuſtody exceeds *One Thouſand Pounds.* Of all which Bills of Credit, ſo delivered to be ſigned by the Truſtees, true Account ſhall be kept by the Signers, who, upon their Redelivery of each, or any Parcel of the ſaid Bills of Credit, by them ſigned and numbered, to the Truſtees of the General Loan-Office, ſhall take the Receipt of the ſaid Truſtees, to charge them before any Committee of the Aſſembly to be appointed for that Purpoſe.

AND each of the ſaid Signers ſhall have *Fifteen Shillings* for every Thouſand of the aforeſaid Bills by them ſigned and numbered, to be paid by the provincial Treaſurer out of the Monies to ariſe by Virtue of this Act. And if any of the Perſons, before nominated to be Signers, ſhall happen to die, or be rendered incapable of doing his or their Duty by this Act required, the Aſſembly for the Time being ſhall or may appoint ſome other Perſon or Perſons in his or their Stead, from Time to Time, until all the Bills hereby directed to be made be wholly ſigned and numbered as aforeſaid.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all the aforeſaid Bills of Credit to be made as this Act directs ſhall be current Bills of this Province until the Firſt Day of the Month called *January,* in the Year One Thouſand Seven Hundred and Sixty, and no longer: And as ſuch ſhall, during the ſaid Term, be received in Payments for the Diſcharge of all Manner of Debts, Rents, Sum and Sums of Money whatſoever due, payable or accruing upon or by Reaſon of any Mortgage, Bill, Bond, Specialty, Note, Book-Account, Promiſe, or other Contract or Cauſe whatſoever, as if the ſame were tendered or paid in the Coins mentioned in ſuch Bond or other Writing, Book-Account, Promiſe, Aſſumption, or any other Contract or Cauſe whatſoever, and at the Rates aſcertained in the ſaid Act of Parliament, and ſhall be ſo received in all Payments by all Perſons whatſoever.

The Bills to be current till the firſt of January, 1760,

AND

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon or Perſons ſhall preſume to counterfeit any of the ſaid Bills of Credit to be made current by this Act, or ſhall be aiding or aſſiſting therein, or ſhall enlarge the Sum expreſt in any of the ſaid Bills, or ſhall utter or cauſe to be uttered or offered in Payment, any ſuch Bill or Bills, knowing the ſame to be forged or counterfeited, or the Sum or Value therein altered, with an Intent to defraud any other Perſon; he, ſhe, or they ſo offending and being thereof legally convicted, ſhall for every ſuch Offence incur and ſuffer the ſame Pains and Penalties reſpectively, as Forgers Counterfeiters or Alterers of Bills, are, by former Acts of Aſſembly, now in Force, directed to incur and ſuffer. And the Diſcoverer or Proſecutor, by Virtue of this preſent Act, ſhall be intitled to like Rewards, as by former Acts is directed, in reſpect to the Bills thereby made current.

AND WHEREAS the Honourable Proprietaries of this Province, have, towards the Defence thereof, been pleaſed to make a free Gift of *Five Thouſand Pounds* to the Publick, BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Sum of *Five Thouſand Pounds* ſhall, immediately after the Publication of this Act, be paid by the Receiver-General into the Hands of *Iſaac Norris*, *James Hamilton*, *John Mifflin*, and *Benjamin Franklin*, Eſquires, and *Joſeph Fox*, *John Hughes* and *Evan Morgan*, Gentlemen, who, or the major Part of them, or of the Survivors of them, with the Conſent and Approbation of the Governor or Commander in Chief of this Province for the Time being, and not otherwiſe, ſhall order and appoint the Diſpoſition of all the Monies ariſing, or that ſhall come to their Hands, by Virtue of this Act, for ſupplying our friendly *Indians*, holding of Treaties, relieving the diſtreſſed Settlers who have been driven from their Lands, and other Purpoſes for the King's Service. And that the Receipt or Receipts of the ſaid *Iſaac Norris*, *James Hamilton*, *John Mifflin*, *Benjamin Franklin*, *Joſeph Fox*, *John Hughes*, and *Evan Morgan*, or of a Majority of them, or of the Survivors of them, to the ſaid Receiver-General, or to the Truſtees of the Loan-Office, ſhall diſcharge him or them reſpectively, of and from ſo much of the ſaid Sums of *Five Thouſand Pounds*, and *Fifty-five Thouſand Pounds* by this Act granted, or mentioned to be granted, as may be in ſuch Receipts expreſſed; and the Receipts to the Truſtees ſhall be by them produced to the Committees of Aſſembly for the Time being, and be allowed in the Settlement of the Accounts of the ſaid Truſtees.

Commiſſioners for diſpoſing of the 60,000l. appointed.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if the four yearly Taxes to be levied by Virtue of this Act ſhall not be ſufficient to ſink the full Sum of *Fifty-five Thouſand Pounds* in Bills of Credit hereby to be iſſued, and defray all incident Charges, in ſuch Caſe a farther Tax or Taxes in the next ſucceeding Year or Years ſhall be laid and levied, in the ſame Manner as the ſaid four yearly Taxes are directed to be laid and levied, until the ſaid *Fifty-five Thouſand Pounds* is fully compleated: And if the ſaid four yearly Taxes ſhall produce more than the ſaid *Fifty-five Thouſand Pounds*, the incident Charges as aforeſaid being defrayed, the Overplus ſhall be diſpoſed of in ſuch Manner as by Act of General Aſſembly of this Province ſhall be hereafter ordered and directed.

Paſſed *November* 27th, 1755. Recorded A. Vol. 3. p. 328.

XLVIII. *An* ACT *for the Relief of* George Croghan *and* William Trent, *for and during the Space of Ten Years.*

Paſſed *December* 3d, 1755.---*Repealed*---Recorded A. Vol. 3. p. 317.

XLIX. *An* ACT *for diſperſing* [*the Inhabitants of* Nova-Scotia, *imported into this Province, into the ſeveral Counties of* Philadelphia, Bucks, Cheſter, *and* Lancaſter, *and the Townſhips thereof; and making Proviſion for the ſame.*

Paſſed *March* 15th, 1756, *Repealed* and *Expired* Recorded A. Vol. 3. p. 320.

L. *An* ACT *for regulating the Officers and Soldiers commiſſionated and raiſed by the Governor for the Defence of this Province.*

Paſſed *April* 15th, 1756. *Repealed and Expired.* Recorded A. Vol. 3. p. 325.

LI. *An* ACT *for the more effectual obſtructing the Exportation of Proviſions and Warlike Stores from the Province of* Pennſylvania.

Paſſed *May* 18th, 1756. ---*Expired.*--- Recorded A. Vol. 3. p. 346.

LII. *An* ACT *for regulating and continuing the nightly Watch, and enlightening the Streets, Lanes and Alleys of the City of* Philadelphia; *and for raiſing of Money on the Inhabitants, and Eſtates of the ſaid City, for defraying the neceſſary Expences thereof.* XXX GEO. II.

WHEREAS the well ordering and regulating the Watch, and enlightening the Streets, Lanes and Alleys in the Night-time, within the City of *Philadelphia*, have been found of great Importance for the Preſervation of the Perſons and Properties of the Inhabitants, and very neceſſary to prevent Fires, Murders, Burglaries, Robberies, and other Outrages and Diſorders: AND WHEREAS an Act paſſed in the Twenty-fourth Year of the preſent Reign for the Purpoſes aforeſaid, intituled, *An* ACT *for the better regulating the nightly Watch within the City of* Philadelphia, *and for enlightening the Streets, Lanes and Alleys of the ſaid City, and for raiſing of Money on the Inhabitants of the ſaid City for defraying the neceſſary Expences thereof*, is nearly expired by its own Limi- Preamble

ration; and the Inhabitants of the said City being desirous that the nightly Watch, within the City of *Philadelphia* aforesaid, and the enlightening the Streets, Lanes and Alleys thereof, may be continued, under such Regulations and Alterations as on Experience have been found necessary and expedient: THEREFORE, for effecting of these good Purposes, and to the End that a due Application and just Account may be had and taken of the Money which shall hereafter be levied and collected by Virtue of this Act for the Purposes aforesaid, BE IT ENACTED by the Honourable *WILLIAM DENNY*, Esq; Lieutenant Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and the Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That it shall and may be lawful for *Henry Harrison*, *Samuel Rhodes*, *George Okill*, *Joseph Morris*, *Daniel Roberdeau*, and *William Fisher*, Gentlemen, who are hereby stiled *Wardens*, or the greater Number of them, as soon as conveniently they can, after the Publication of this Act, and having qualified themselves as is herein after directed, to meet together at the Court-house of the said City, and for those who in Pursuance of this Act shall succeed them in the said Trust, in like Manner to meet together annually on the tenth Day of *October*, and then and there, or at such other Times and Places, as they the said Wardens shall appoint, to maintain, preserve, and take Care of the Lamps already erected, put up and fixed, and to erect, put up and fix, any additional Number of Lamps in such Parts and Places of the said City as to them shall seem meet and expedient, and to contract with any Person or Persons for the lighting, trimming, snuffing, supplying, maintaining and repairing them; and shall likewise order, appoint, hire and employ, what Number of Watchmen they shall judge necessary and proper, from the Time of their first meeting together as aforesaid, after the Publication of this Act, until the tenth Day of *October* next, and from and after that Day annually for one whole Year, and shall then and there direct and order what Wages shall be given them; and if any of the said Watchmen so by them hired and appointed shall happen to die within the Time for which they were appointed, or shall be negligent in his or their Duty, or be guilty of any Misbehaviour, it shall and may be lawful for the Wardens aforesaid, or a Majority of them, at any intermediate Time of the Year, to remove any of the said Watchmen, so appointed, and to employ, hire and appoint, one or more Person or Persons fitly qualified in the Room and Stead of him or them so dying, neglecting his Duty, or misbehaving as aforesaid.

Wardens appointed.

Time of their Meeting.

Shall order the Lighting of the Lamps, and hire Watchmen.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Mayor, Recorder, and four Aldermen of the said City, together with the Wardens now or hereafter to be appointed or elected by Virtue of this Act, or a Majority of the whole, shall, as soon as conveniently they can, direct, and set down in Writing, at what Stands it is fit for the said Watchmen to be placed, how often they shall go their Rounds; and also appoint the Rounds each Watchman is to go, and order what Number of the Constables of the said City shall watch each Night; and shall from Time to Time make such further and other Orders and Regulations for the better Government of the said Constables and Watchmen, as the Nature of each particular Service shall seem to them to require.

And shall with the Magistrates of the City regulate the Service of the Watch.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That a true Copy or Transcript of all Orders, Regulations, Nominations and Appointments, which shall from Time to Time be so made as aforesaid, for the better Direction and Government of the Constables and Watchmen, shall be fairly written or printed, and signed by the Mayor or Recorder, or any two Aldermen of the said City, and any four of the Wardens aforesaid, or of those who in Pursuance of this Act shall succeed them in the Trust aforesaid, and shall be delivered to all and every of the Constables of the said City; and also a true Copy of such Parts thereof as shall relate to the Conduct and Government of the Watchmen so to be hired, shall be delivered to each of them.

Copy of their Orders to be given to the Constables and Watchmen.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That one or more of the said Constables, as by the Orders and Regulations to be made as aforesaid, shall be judged necessary, shall attend at the Court-house of the said City, or at such other convenient Place, as the Mayor Recorder, and four of the Aldermen aforesaid, and the Wardens aforesaid, or a Majority of the Whole, shall appoint, and shall keep Watch and Ward in Manner following; *that is to say*, from the tenth Day of the Month called *March*, to the tenth Day of *September*, in every Year, from the Hours of Ten in the Evening, until Four the next Morning; and from the tenth Day of *September* to the tenth Day of the Month called *March*, in every Year, from Nine in the Evening, until Six in the Morning: And the Constables shall, in their several Turns and Courses of Watching, use their best Endeavours to prevent Fires, Murders, Burglaries, Robberies, and other Outrages and Disorders, within the said City; and to that End shall, and they are hereby impowered and required to arrest and apprehend all Night-walkers, Malefactors and suspected Persons, who shall be found wandering and misbehaving themselves, and shall carry the Person or Persons who shall be so apprehended, as soon as conveniently they may, before one or more of the Justices of the Peace, of and for the said City, to be examined and dealt with according to Law; and shall once or oftener at convenient Times in every Night, go about the several Wards of the said City, and take Notice whether the Watchmen perform their Duties in their several Stations, according to such Orders and Regulations as shall have been made for that Purpose as aforesaid; and in case any such Watchman shall misbehave himself, or neglect his Duty, the said Constables, or one of them, shall, as soon as conveniently may be, give Notice thereof to some of the Wardens aforesaid, appointed by, or to be hereafter appointed or elected, according to this Act, to the End the Watchman so neglecting or misbehaving may be admonished or discharged from the Service as aforesaid. And the said Constabe shall also observe, execute and perform all such Orders and Regulations as shall from Time to Time be made, upon and concerning the Matters aforesaid by Virtue of this Act, so far as to the Constable pertaineth; and the said Constable for every Night's Watching as aforesaid shall be paid by the Treasurer, to be appointed as herein after mentioned, at the Rate of *Three Shillings per* Night.

Hours of keeping Watch.

Constables Pay.

AND

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any of the ſaid Conſtables ſhall wilfully neglect to attend any Night in his or their Turns, to keep Watch and Ward as aforeſaid, at the reſpective Hours appointed by this Act for his Attendance thereon; or ſhall depart from, or leave keeping Watch and Ward, during the reſpective Hours appointed by this Act for keeping the ſame; or ſhall neglect to go about the ſeveral Wards of the ſaid City, once at the leaſt in every Night of his or their Watching for the Purpoſes mentioned in this Act; or ſhall otherwiſe misbehave himſelf or themſelves, or be negligent in the Duty preſcribed them by this Act, or which ſhall be preſcribed to them by any Rules, Orders or Regulations to be made by the Mayor, Recorder, Aldermen and Wardens as aforeſaid, by Virtue of this Act; in each and every of the ſaid Caſes, the Perſon or Perſons ſo offending, ſhall reſpectively forfeit the Sum of *Twenty Shillings* for every ſuch Offence. Penalty on Conſtables neglecting their Duty.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, that it ſhall and may be lawful to and for the ſaid Watchmen, or any of them, in the Abſence of the Conſtables, and they are alſo hereby impowered and required in their ſeveral Stations, during the Time of their keeping Watch and Ward as aforeſaid, to apprehend all Night-walkers, Malefactors, Rogues, Vagabonds, and diſorderly Perſons, whom they ſhall find diſturbing the publick Peace, or ſhall have juſt Cauſe to ſuſpect of any evil Deſign, and to carry the Perſon or Perſons ſo apprehended, as ſoon as conveniently may be, before one or more of the Juſtices of the Peace of the ſaid City, to be examined and dealt with according to Law. And the Watchmen ſo to be appointed as aforeſaid, ſhall be at their reſpective Stands, to be appointed as aforeſaid; and keep Watch and Ward at the Hours and during the Time herein before mentioned, and ſhall obſerve, perform, and execute all ſuch Matters and Things, as by the Rules, Orders and Regulations of the Mayor, Recorder, Aldermen and Wardens aforeſaid, ſhall be from Time to Time enjoined them, upon and concerning the Matters aforeſaid, according to the Directions of this Act. And in caſe of any Fire breaking out, or other great Neceſſity, ſhall immediately alarm each other, and the Inhabitants in their reſpective Rounds; which when done, they ſhall repair to their reſpective Stands, the better to diſcover any other Fire that may happen, as well as to prevent any Burglaries, Robberies, Outrages and Diſorders, and to apprehend any ſuſpected Perſons, who in ſuch Times of Confuſion, may be felonioufly carrying off the Goods and Effects of others. Duty of the Watchmen.

AND FORASMUCH as it is intended, that ſix Wardens ſhall be continued to aſſiſt in the Execution of this Act; and that the two eldeſt, or firſt named, ſhall be ſucceſſively changed by yearly Elections within the City, BE IT THEREFORE FURTHER ENACTED by the Authority aforeſaid, That the Freeholders and Inhabitants of the ſaid City, qualified to elect and be elected Members of Aſſembly, at the Time and Place of their electing Burgeſſes (or Repreſentatives of the Freemen of the ſaid City, to ſerve in the Aſſembly aforeſaid) ſhall then and there yearly, during the Continuance of this Act, in a peaceable and quiet Manner make Choice of two Perſons for Wardens, to join with four of the Wardens herein before appointed, to execute and perform the Services enjoined them by this Act. Which Elections ſhall be carried on in Manner following; *that is to ſay*, all Perſons who, by Virtue of the Laws of this Province, have Right to vote in ſuch Elections, at the ſame Time they deliver in their Tickets for the Choice of Burgeſſes, ſhall alſo deliver in Writing in one other Piece of Paper to the Judges of thoſe Elections, the Names of two Perſons for whom they vote as Wardens. And when all the Electors appearing, ſhall have delivered in their Papers or Tickets, the Sheriff and Judges of thoſe Elections, ſhall proceed in taking an Account thereof, and publiſhing the Perſons duly elected to the Service aforeſaid, in like Manner as by Law is directed in the Caſes of Elections of Repreſentatives to ſerve in the General Aſſembly aforeſaid: Which Wardens ſo from Time to Time to be choſen, ſhall be the Wardens to join with others herein before named to execute this Act; ſo always that the Wardens herein before appointed ſhall be ſucceſſively changed as is herein directed; *that is to ſay*, The two Wardens in this Act firſt named, to go out at the End of the Year, namely on the firſt Day of *October* next; and the two Wardens next after named, to go out at the End of the ſecond Year; and the other two Wardens laſt named to go out at the End of the third Year. And when the ſaid Wardens ſhall from Time to Time be choſen, the Sheriff of the City of *Philadelphia*, or other Judges of the ſaid Elections, then and ſo often ſhall take their Names in Writing, under the Hands and Seals of at leaſt ſix or more of the ſaid Freeholders, and certify the ſame to the Mayor, Recorder and Aldermen of the ſaid City for the Time being, at their General Seſſions of the Peace held for the ſaid City next after any ſuch Election, there to be minuted by the Clerk of the ſaid Court, in the Minutebook of the ſaid Court. Wardens how to be choſen.

AND in regard it is intended, That the Wardens appointed by Virtue of this Act, together with the City Aſſeſſors, ſhall execute the Powers and Authorities herein after given, and required of them by this Act: And forasmuch as the Act paſſed in the tenth Year of Queen *Anne*, intituled, *An Act for raiſing Money on the Inhabitants of the City of* Philadelphia, *for the publick Uſe and Benefit thereof*, by which the City Aſſeſſors are directed to be choſen, has made no Proviſion for the Qualification of the ſaid Aſſeſſors, to the faithful Diſcharge of their ſeveral Services and Duties, as ought to have been done, and as the Aſſeſſors for the reſpective Counties are enjoined to do; IT IS THEREFORE ENACTED, That before any of the Wardens herein nominated, or hereafter to be choſen by Virtue of this Act, ſhall take upon themſelves the Services and Duties by this Act required, they and each of them ſhall take a legal Qualification of the Tenor and Effect following; that is to ſay, *That they will well and truly cauſe the Debts ariſing by Virtue of this Act to be ſpeedily adjuſted, and the ſeveral Sums of Money hereby impoſed to be duly collected and applied to the Purpoſes by this Act intended, and to no other Purpoſe whatſoever; and that they will diligently attend and faithfully diſcharge the Duties and Services enjoined them by this Act, during the Term of their Continuance therein, according to the beſt of their Skill and Abilities.* AND before any of the ſaid Aſſeſſors, hereafter to be choſen by Virtue of the aforeſaid Act of the Tenth of Queen *Anne*, ſhall take upon themſelves their ſeveral Duties enjoined by Virtue of this or the aforeſaid Act, intituled, Wardens Qualification.

City Assessors Qualification.

tituled, *An Act for raising Money on the Inhabitants of the City of* Philadelphia, *&c.* they and each of them shall take a legal Qualification of the following Effect; that is to say, *That they will well and truly cause the Rates and Sums of Money by this Act, and by the aforesaid City Act imposed, to be duly and equally assessed and laid out to the best of their Skill and Knowledge; and therein will spare no Person for Favour or Affection, nor grieve any for Hatred or Ill-will: And that they and each of them the said Assessors will diligently attend and faithfully execute the said Office, during the Term of their Continuance therein, according to the best of their Abilities and Judgment.* Which Qualifications the Mayor, or Recorder, or any two of the Aldermen of the said City, have Power, and are hereby enjoined to administer when required: And the said Qualifications shall be put in Writing, and signed by those who take them, and certified by the Mayor, or Recorder, or Aldermen aforesaid, and filed by the Clerk of the Sessions aforesaid.

Wardens and City Assessors to meet and estimate what Money is necessary, for maintaining the Lamps and Watch.

AND for the better raising and levying of Money for paying the Wages of the Watchmen herein before mentioned, and other Charges incident to the keeping a good and regular Watch, and for the enlightening the Streets, Lanes, and Alleys, as aforesaid, and for keeping the Lamps in good Order, BE IT ENACTED by the Authority aforesaid, That it shall and may be lawful to and for the Wardens in this Act named, together with the City Assessors for the Time being, or a Majority of them, to meet as soon as they conveniently can, after the Publication of this Act, and for those who shall succeed them in the said Trust, as by this Act is directed, or any four of them, together with the City Assessors, for the Time being, or a Majority of them, to meet on the tenth Day of *October*, yearly and every Year, unless the same shall happen on the first Day of the Week, and then on the Day following, at the Court-house of the said City, or some other convenient Place, and then and there to estimate, determine and judge what Sum and Sums of Money shall be necessary to be raised and levied on the Inhabitants of the said City, for answering the Purposes intended by this Act.

And issue their Precepts to the Constables to make Returns.

Constables Allowance.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Wardens, and those who shall succeed them in the said Trust, or any four of them, shall, within six Days after such Estimate is made, issue forth their Precepts, directed to the Constables of the said City requiring them to bring to the said Wardens and Assessors, within five *Days* next after the Date of such Precept, fair and true Certificates in Writing, upon their legal Qualifications, of the Names and Sir-names of all and every the Persons dwelling or residing within the Limits of their Wards, and the Names of all Freemen, Inmates, hired Servants, and all other Persons residing or sojourning in every of the said Wards; together with an Account of what Houses, Lands, Tenements, Rent-charges, bound Servants and *Negroes*, with their Ages, they respectively hold or possess in such Ward, without Concealment, Fear Malice, Favour, or Affection, upon Pain of Forfeiture of any Sum not exceeding *Five Pounds*, to be levied as by this Act is appointed. And every of the said Constables shall have and receive from the Treasurer hereafter to be appointed, *Two-pence per Pound*, out of the Sums to be collected from the Inhabitants by them returned, for their Care and Trouble in executing and returning the said Precepts in Manner aforesaid. And that the said Wardens and Assessors, or a Majority of them, shall meet at the Day and Place where the said Precepts shall be made returnable, and then and there receive the Constables Returns. And that the said Assessors shall there upon by the legal Qualifications of the said Constables, or other credible Persons, or by any other lawful Ways or Means, inform themselves what Persons and Estates in the said City are rateable by Virtue of this Act, and shall forthwith equally and impartially

Persons rateable and not rateable

assess themselves, and all others, rateable as aforesaid, having a due Regard to such as are poor, and have a Charge of Children; and exempting out of such Assessments all single Men who at the Time of Assessment are under Twenty-one Years of Age, or have not been out of their Servitude or Apprenticeship twelve Months. And all transient Persons and Strangers, who shall have large Quantities of Goods and Merchandize for Sale in the said City, shall for such Goods and Merchandize be rated in Proportion to the said Inhabitants. And the said Assessors for their Time and Labour in the Premises, shall be allowed

Assessors Allowance,

Two-pence per Pound, for the whole Sums assessed, after the Assessment is rectified and adjusted by the Wardens, according to the Directions of this Act, to be paid by the Treasurer herein after appointed, and to be equally divided amongst them; which said Poundage shall be to the Assessors for the Time being in full Satisfaction for all Services and Attendances required of them by this Act. PROVIDED

Limitation of Assessments and of Estates to be assessed,

ALWAYS, That no such Assessment or Assessments to be made by Virtue of this Act in any one Year shall exceed the Value of *Four-pence* in the *Pound*; and that no Person shall be chargeable within the Intent and Meaning of this Act, unless he be assessed at *Eight Pounds*, or upwards.

Penalty on wilfully damaging Lamps, &c.

AND WHEREAS several evil disposed Persons have broken, and may wilfully and maliciously break and destroy the Lamps hung out in the Streets, Lanes and Alleys of the said City: Now to prevent the like malicious Practices for the future, BE IT ENACTED by the Authority aforesaid, That if any Person or Persons shall and do, from and after the Publication of this Act, wilfully or maliciously break, throw down or extinguish any Lamp that is or shall be hung out or set up to light the said Streets, Lanes or Alleys, or shall wilfully damage the Post, Iron or other Furniture thereof, every Person so offending therein, and being thereof convicted, by the lawful Testimony of one or more Witness or Witnesses, before any one or more Justice or Justices of the Peace for the said City, shall forfeit and pay the Sum of *Forty Shillings* for each Lamp so broken, thrown down, extinguished, or otherwise damaged, or for each Post,

Of accidental Damages Notice to be given to the Wardens

Iron, or other Furniture thereof, so broken or damaged. And if any Person or Persons shall accidentally or undesignedly break, throw down or extinguish any of the Lamps aforesaid, or damage any of the said Posts, Irons or Centry-boxes, and having so done shall fail of giving Notice thereof to some one or more of the said Wardens within twelve Hours from the Time of the said Damage, every Persons so failing to give Notice, shall be liable to the same Fine and Forfeiture, as if the Offence was wilful or malicious; but if timely Notice be by him given as afore-said, he shall only pay such Costs as in the Judgment

of

of the Wardens aforeſaid will fully repay the Damage done; any Thing herein contained to the contrary notwithſtanding.

Wardens and Aſſeſſors to appoint a Clerk. His Duty. And Reward

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Wardens and Aſſeſſors the better to enable them to diſcharge the Duties enjoined them by this Act, ſhall chuſe and employ a fit and able Perſon for their Clerk, who ſhall, in Books to be provided for that Purpoſe by the Wardens, make ſuch Entries, and keep ſuch Accounts, as he ſhall be directed to do by the Wardens and Aſſeſſors, or a Majority of them, from Time to Time; and ſhall alſo make ſuch Entries, and keep ſuch Accounts, as he ſhall be required to do by the Wardens, or a Majority of them, of all ſuch Matters and Things enjoined them by this Act; and alſo to do and perform all other Duties by him to be done in Purſuance of this Act; for which he ſhall be allowed ſuch a reaſonable Reward as the ſaid Wardens, or any four of them, ſhall appoint, which ſhall, by an Order from the ſaid Wardens, or any four of them, be paid him by the Treaſurer.

Aſſeſſors to appoint a Collector. Collector's Duty.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Aſſeſſors ſhall, after the Aſſeſſments made as aforeſaid, appoint one or more fit Perſon or Perſons to be Collector or Collectors of the ſaid Aſſeſſments from Time to Time, and ſhall cauſe fair Duplicates of the Aſſeſſments to be drawn; one Part thereof ſhall be by the Clerk delivered to the Wardens, and the other Part to the Collector or Collectors, with Directions under the Hands of four or more of the Wardens to every ſuch Collector, indorſed on his Duplicate or annexed thereunto, requiring him or them to demand of the Parties the reſpective Sums of Money wherewith they are chargeable, and acquaint them of the Day of Appeal, which ſhall be appointed by the ſaid Wardens within twenty Days after the Aſſeſſments are made: But where any of the ſaid Collectors cannot meet the Party of whom Demand is to be made as aforeſaid, he or they ſhall leave Notice in Writing with ſome of the Family, or at the Place of the Party's laſt Abode; ſignifying alſo the Day of Appeal; at which Day the ſaid Collector or Collectors ſhall return their Duplicates, with the Names of ſuch Perſons, and Value of ſuch Eſtates, as ſhall be concealed, undervalued, or omitted in the Conſtables Returns; and if any Perſon or Perſons ſhall find him, her, or themſelves, aggrieved with any of the ſaid Aſſeſſments, ſuppoſing the ſame to be unequal, he, ſhe, or they may appeal to the Wardens aforeſaid. And the ſaid Wardens are hereby required to meet on the ſaid Day of Appeal, where the Aſſeſſors ſhall attend, and lay before the Wardens all the written Certificates of the Names of the Taxables, and the Account of their Eſtates returned by the Conſtable as this Act requires; together with the particular Valuation ſet by the ſaid Aſſeſſors upon the Perſons and Eſtates ſo returned; whereupon the Wardens ſhall take due Notice thereof, and ſtrictly examine the Perſons appealing upon their legal Qualification concerning the Cauſe of their Appeal; and upon ſuch Examination or other Proof, they are hereby impowered to diminiſh or add to ſuch Perſons Rate or Aſſeſſment as to them ſhall ſeem juſt and reaſonable; with Power alſo to call before them ſuch Perſons, and take Notice of ſuch Eſtates as they find are omitted in the ſaid Aſſeſſments, in order to rectify it; and if the Perſons ſo omitted refuſe or neglect to appear and give an Account of the Value of their Eſtates, they ſhall be rated and aſſeſſed according to their Eſtates, by the Judgment of the ſaid Wardens, or a Majority of them. And the ſaid Wardens upon hearing of the ſaid Appeals, ſhall rectify and adjuſt the ſaid Aſſeſſments, by abating or adding to the Sums contained in the Duplicates, and ſhall alſo cauſe their Collector to give the Parties concerned, where Omiſſions are ſupplied, or Additions made to their Aſſeſſments, five Days Notice to appear before the Wardens, and make their Objections thereunto; and the Clerk ſhall, within five Days next after the Day of Appeal, deliver to the Treaſurer herein after directed to be appointed, a true Account of the Sums total which the Collector or Collectors aforeſaid ſhall be charged with, purſuant to the Act: And the ſaid Wardens ſhall cauſe their Clerk to draw fair Duplicates of the Aſſeſſments ſo rectified as aforeſaid, and deliver them to the Collector or Collectors to be appointed, as aforeſaid, within five Days after the ſaid Day of Appeal, with a Warrant annexed thereunto, under the Hands and Seals of four or more of the ſaid Wardens, requiring him or them forthwith to collect and receive from the Perſons aſſeſſed the ſeveral Sums in the Duplicates mentioned. And in Caſe any Perſon or Perſons ſo rated or aſſeſſed by Virtue of this Act, ſhall neglect or refuſe to pay the Sum or Sums ſo aſſeſſed, by the Space of thirty Days after Demand made as aforeſaid, it ſhall be lawful for the ſaid Collector or Collectors, by Virtue of a ſpecial Warrant for that Purpoſe ſigned and ſealed by any four or more of the ſaid Wardens, who ſhall forthwith grant the ſame and ſhall thereby impower the ſaid Collector or Collectors, to call to their Aſſiſtance, if Occaſion be, any Conſtable or other Perſon, and in caſe of Reſiſtance, to break open in the Day-time any Houſe, Trunk, Box, Cheſt, Cloſet, Cupboard, or other Things, where any ſuch Offenders Goods, Chattles or Effects, are ſuppoſed to be, and make Diſtreſs and Sale thereof, rendering the Overplus, if any be, to the Owners, after reaſonable Charges deducted. But if no Diſtreſs can be found by the Collector or Collectors, and the Party refuſes or neglects to ſhew them Goods or Chattels of his own, forthwith to ſatisfy the Money then due, with reaſonable Charges; then the ſaid Aſſeſſments to be levied by Impriſonment of the Perſon ſo refuſing or neglecting to pay as aforeſaid, until the ſame ſhall be paid: Or on the Goods and Chattles of any of his Tenants, if ſuch there be, and the Delinquent ſhall be obliged to diſcount it out of the firſt Rent that ſhall afterwards accrue from the Premiſes. PROVIDED always, that where Effects cannot be found ſufficient to anſwer the whole Sum in Arrear, with Charges as aforeſaid, then Diſtreſs ſhall be made for ſo much as the Effects extend to, and the Party be impriſoned as aforeſaid only for the Reſidue thereof, with incident Charges; all which Charges of Diſtreſs, Aſſiſtance and bringing to Priſon, ſhall be adjuſted and ſettled by any four or more of the ſaid Wardens, when ſuch Occaſion ſhall happen.

Duty of Wardens on Appeal. Duplicates of the Aſſeſſments, with Warrant to collect &c. ſhall be given to the Collectors. Wardens to adjuſt the Charge of Executions.

Collectors to account with and pay unto the Treaſurer.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Collector or Collectors, ſhall once in ſix Weeks at leaſt, render a juſt and true Account of, and bring in and pay unto the Treaſurer herein after directed to be appointed, all ſuch Sums of Money as he or they ſhall have

received, and ſhall pay the whole and every of the Sums of Money aſſeſſed in his or their reſpective Duplicates, within three Months next after the Day of Appeal (ſuch Deficiencies as the ſaid Wardens, or any four of them ſhall allow, being firſt deducted.) And the Treaſurer ſhall give Receipts to the Collectors for what they ſhall ſo bring in and pay from Time to Time; which Receipts ſhall be the Collectors Diſcharges for ſo much. And the ſaid Treaſurer ſhall from Time to Time ſignify in Writing to the ſaid Wardens, how much every Collector brings in and pays as aforeſaid, And when the ſaid Collectors, or any of them, are negligent, or refuſe to do their Duty in the Premiſes, the Treaſurer is hereby required forthwith to ſignify the ſame by Way of Complaint to the Wardens aforeſaid.

Treaſurer's Duty.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if upon Complaint of the Treaſurer to the Wardens, it ſhall appear that the ſaid Collector or Collectors, having taken upon him or themſelves the Duties enjoined him or them by this Act, ſhall refuſe or neglect to pay the ſaid Sums of Money which he or they ſhall be reſpectively charged to collect within the Times limited by this Act, every ſuch Collector ſo refuſing or neglecting, ſhall forfeit and pay to the Treaſurer, the Sum of *Five Pounds*, and ſhall alſo pay all the Arrearages of ſuch Aſſeſſment, which he was appointed to collect, to be levied by a Warrant under the Hands and Seals of the ſaid Wardens, or any four of them, directed to the Sheriff of the City and County of *Philadelphia*, who is hereby authorized and impowered to execute ſuch Warrant upon the Goods and Chattles of ſuch Collector or Collectors; and in caſe Goods and Chattles ſufficient cannot be found, then to impriſon ſuch Collector or Collectors until Payment made. And every Collector ſo diſtrained on, and having made full Satisfaction as aforeſaid, is hereby impowered, without any further Warrant, to diſtrain for his own Uſe upon all ſuch as ſhall neglect or refuſe to pay him the Arrearages due.

Penalty on Collectors neglecting &c.

Collector being diſtrained on may diſtrain.

AND the ſaid Collector or Collectors ſhall for his or their Trouble and Service by this Act required and enjoined, retain in his or their Hands *Six-pence per Pound* for all Sums of Money by him or them reſpectively collected: And if the ſaid Collector or Collectors ſhall refuſe or neglect to take upon him or themſelves the Truſt and Duty required of him or them, he or they ſhall forfeit and pay to the Treaſurer herein after appointed, the Sum of *Five Pounds*. And the ſaid Aſſeſſors ſhall appoint ſome other fit Perſon or Perſons in Place or Stead of the Collector or Collectors ſo refuſing or neglecting as aforeſaid.

Collectors Allowance.

Penalty on Collectors refuſing to ſerve.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any of the ſaid Wardens appointed by this Act, or thoſe who ſhall be choſen to ſucceed them in the ſaid Truſt, ſhall refuſe or neglect to take upon him or themſelves the Services and Duties hereby required of him or them, he or they ſo refuſing or neglecting, ſhall pay to the Treaſurer aforeſaid *Ten Pounds*: Or if any of the ſaid Wardens ſhall happen to die during the Time for which they are choſen, the other Wardens and Aſſeſſors for the Time being, or a Majority of them ſhall in every ſuch Caſe appoint one or more fit Perſon or Perſons in Place and Stead of the Warden or Wardens ſo refuſing or dying.

Penalty on Wardens refuſing to ſerve.

New Appointment by whom to be made.

Wardens Wages.

And the ſaid Wardens for the Services required and enjoined them by this Act, ſhall be paid by the Treaſurer *Five Shillings* each, for every Day's Attendance on that particular Service, which ſhall be to the Wardens for the Time being, in full Satisfaction for all the Attendance and Services required of them by this Act.

Wardens and Aſſeſſors to chuſe a Treaſurer.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Wardens and Aſſeſſors for the Time being, or the major Part of them, are hereby impowerd and required, as often as there may be Occaſion during the Continuance of this Act, to chuſe a Treaſurer; which Treaſurer when ſo choſen, is hereby impowered and required to receive all the Money ariſing as well from the ſaid Aſſeſſments, as alſo the Fines and Forfeitures impoſed by Virtue of this Act. And the ſaid Treaſurer ſhall keep a diſtinct and fair Account in a Book to be provided by him for that Purpoſe, of all the Rates and Aſſeſſments made or to be made as aforeſaid, and alſo of all Monies by him ſo received, and alſo of all Diſburſments and Payments he ſhall make by Orders from the Wardens, or any four of them, whoſe Order to the ſaid Treaſurer from Time to Time ſhall be ſufficient for the Payment of ſuch Monies as ſhall come into his Hands.

Who is to give Bond

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Treaſurer for the Time being, before he enters upon the Execution of his Office, is hereby required to give a Bond with one or more ſufficient Sureties to the Wardens aforeſaid, in the Penalty of *Five Hundred Pounds*, lawful Money of this Province, with Condition for the Payment of all ſuch Monies which ſhall come to his Hand by Virtue of this Act, according to the Orders to him to be given as aforeſaid, from Time to Time, and not otherwiſe, and for the due Performance of his Duty in the Truſt hereby committed to him. And the ſaid Treaſurer ſhall yearly bring in his Accounts, and ſettle the ſame with the Wardens and Aſſeſſors aforeſaid, or a Majority of them; which ſaid Accounts ſo ſettled, and adjuſted, ſhall be laid before the Mayor, Recorder, Aldermen and Grand Jury of the ſaid City, at the General Quarter Seſſions of the Peace to be held for the ſaid City in the Month of *October* yearly, together with the Books, Receipts and Vouchers, if required; which ſaid Accounts, Books, Receipts and Vouchers, being examined by the Mayor, Recorder, Aldermen and Grand Jury aforeſaid, ſhall be delivered back ſafely without Alteration to the ſaid Treaſurer; and a true Copy of the ſaid Accounts to be made out by the Treaſurer, and delivered to the Court, ſhall be filed and kept among the Records of the ſaid Court. And the ſaid Treaſurer ſhall be allowed for his Trouble in keeping ſuch Accounts, and receiving and paying all ſuch Money, as ſhall come into his Hands by Virtue of this Act, at the Rate of *Six pence* in the Pound.

And ſettle yearly, Which ſettlement is to be laid before the Mayor, &c.

Treaſurer's Allowance,

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if the ſaid Treaſurer ſhall refuſe or neglect to do his Duty as by this Act is required, he ſhall be removed from his ſaid Office by any four or more of the ſaid Wardens; and in caſe of ſuch Removal, or if the ſaid Treaſurer ſhall happen to die, the Wardens and Aſſeſſors, or the major Part of them, ſhall appoint another in his Place,

a new one to be appointed by the Wardens and Aſſeſſors,

Place, who shall give Security as herein before directed. And the Treasurer so removed, or the Executors or Administrators of the said Treasurer so dying, shall deliver to the succeeding Treasurer, all Books, publick Accounts and Papers, belonging to the said Office, whole and entire, and undefaced; and shall likewise pay to the said succeeding Treasurer all such Sum and Sums of Money as he may have received, or have been paid to him in Pursuance of this Act, under the Penalty of *One Hundred Pounds*, to be recovered in the Manner, and to the Uses herein after mentioned.

His Executors to deliver all Books, &c. to his Successor.

AND WHEREAS the having a sufficient Number of Pumps situated in the Streets, Lanes and Alleys and keeping them in due Order and Repair, may be of great Use and Service in extinguishing Fires which may happen within the City, BE IT FURTHER ENACTED by the Authority aforesaid, that the Wardens herein before appointed, or hereafter to be chosen by Virtue of this Act, are hereby authorized and impowered, with the Consent of the Mayor, Recorder, and any two of the Magistrates of the City, to dig such an additional Number of Wells, and therein fix Pumps in such convenient Places as to them shall appear necessary, within the Streets, Lanes or Alleys of the City. And the said Wardens, or any four of them, are hereby further authorized and impowered to agree with the Owner or Owners for such Pump or Pumps as are already fixed in the Streets, Lanes or Alleys within the said City; and after such Agreement made with the respective Owner or Owners thereof, such Pump or Pumps shall for ever after become the Property of, and belong to the Publick, to be maintained and kept in Repair at the Publick Charge.

Wardens impowered to dig Wells and fix Pumps in proper Places.

And to agree for Pumps already fixed.

AND WHEREAS many of the Pumps within the Streets of the said City have been greatly neglected, and suffered to lie long out of Repair by their respective Owners, BE IT FURTHER ENACTED by the Authority aforesaid, That the said Wardens shall, and they are hereby authorized and enjoined to enquire into the Condition, and take Care of the Repair of the said several Pumps within the Streets, Lanes or Alleys of the said City: and if after due Enquiry, any of the said Pumps shall be found on the Evidence of two or more Witnesses to have been out of Repair by the Space of three Months next after Notice thereof given by one or more of the said Wardens to the Owner or Owners of the said Pumps; then, and in such Case, every such Pump or Pumps shall for ever after become and be the Property of the Publick, to be maintained at the publick Charge. And every such Owner or Owners of such Pump or Pumps within the said City, as shall duly maintain and keep them in good Order and Repair to the Satisfaction of the Wardens, or a Majority of them, shall be allowed the Sum of *Six Shillings* yearly, to be paid them the said Owners out of the Monies arising by Virtue of this Act. AND if any Person or Persons shall and do, after the Publication of this Act, wilfully or maliciously break and carry away the Handles of any of the Pumps within the said City, or otherwise injure or damage the same, every Person so offending, and being thereof convicted by the lawful Testimony of one or more Witnesses before one or more Justice or Justices of the Peace for the said City, shall for the first Offence forfeit and pay the Sum of *Five Pounds* for each Pump so broken or damaged, and for the second and every other Offence *Ten Pounds*.

Pumps out of Repair 3 Months to devolve to the Publick.

Six Shillings a Year allowed to those who keep their Pumps in Order, &c.

Penalty on damaging Pumps.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all the Penalties, Fines and Forfeitures, to become due and payable by this Act, the Manner of levying and recovering of which is not before directed, if they do not exceed the Sum of *Five Pounds*, shall be recovered before one of the Justices of the Peace of and for the said City, and shall be levied by Warrant, under the Hand and Seal of such Justice, or of any other Justice of the Peace of and for the same City, to any Constable of the said City directed; who is hereby impowered and required to execute the same by Distress and Sale of the Goods and Chattels of the Offender; and where Goods and Chattels sufficient cannot be found, then the Party or Parties offending shall be committed to the common Goal of the said City, there to remain until Payment made. And if such Penalties, Fines and Forfeitures, do exceed the Sum of *Five Pounds*, then to be recovered by Action of Debt, Bill or Plaint, in any County Court within this Province, wherein no Essoin, Protection or Wager of Law to be allowed. All which Recoveries shall be had in the Name of, and by the Treasurer aforesaid, for the Time being, to whom the Sums recovered shall be paid, to be by him applied towards defraying the Charges of the said nightly Watch, and other Charges incident thereto, to be recovered with Costs of Suit.

Manner of levying Fines and Penalties.

How to be applied.

PROVIDED ALWAYS, That if any Person or Persons be sued or prosecuted for any Thing done in Pursuance of this Act, he or they may plead the general Issue, and give this Act and special Matter in Evidence for their Justification. And if the Plaintiff or Prosecutor become Nonsuit, or forbear Prosecution, or suffer Discontinuance; or if a Verdict pass against him or them in such Action, or Suit, the Defendant shall have treble Costs, to be recovered as in Cases where Costs by Law are given to Defendants.

AND BE IT LIKEWISE FURTHER ENACTED by the Authority aforesaid, That if any Servant or Negroe Slave be convicted of incurring any of the Fines and Penalties mentioned in this Act he, she or they, shall for the first Offence be whipt on the bare Back with Twenty-one Lashes, at the publick Whipping-post, and kept on Bread and Water at hard Labour in the publick Work-house three Days; and for the second, and every other Offence, shall receive Thirty-one Lashes, and be kept six Days at hard Labour, as aforesaid.

Punishment on Negroes, &c. transgressing this Act,

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person under Age, bound Servant, Apprentice, Negroe or Molattoe Slave, be convicted of incurring any of the Penalties or Damages mentioned in this Act, the Parent, Guardian, Master or Mistress, shall be obliged to pay the said Penalties or Damages in the same Manner as if they themselves had been guilty of incurring the same.

Parents, &c. to pay the Penalties incurred by Minors, &c.

PROVIDED ALWAYS, That no Person or Persons shall be sued or prosecuted for Neglect in the Execution of this Act, unless he or they be sued or prosecuted within twelve Months after such Offence committed.

Limitation of Prosecution.

AND

Deficiency in one Year's Rate to be supplied by the next, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in case there shall be any Deficiency in any one Year's Rate or Assessment so to be made as aforesaid, so that all the Wages and Allowances made to the Watchmen, and other incident Charges, cannot be fully paid and satisfied in that Year, then and in such Case the Deficiency so happening shall be paid out of the next succeeding Year's Rate and Assessment; and if there shall happen to be any Surplus Money collected by such Rates and Assessments in any one Year, such Surplus shall be carried on to the Credit of the Account of the next Year's Rate and Assessment, to be applied to such Use and in such Manner as the Rates and Assessments to be collected as aforesaid are directed by this Act to be laid out and applied.

Freeholders not chusing Wardens and Assessors, &c. Mayor and Commonalty may appoint.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if the Freeholders and Inhabitants of the said City at the next, or any future General Election, to be held for the said City as aforesaid, shall neglect to choose the Wardens and Assessors aforesaid; or if the said Wardens and Assessors, when so chosen, shall neglect or refuse to lay the Rates and Assessments aforesaid, or to do and execute the other Services, to be by them done and performed by Virtue of this Act, that then, and in every such Case, the Mayor and Commonalty of the said City for the Time being, may and shall, until a succeeding Election, appoint Wardens or Assessors, or either of them, as the Occasion may require, to perform the several and respective Offices and Duties of the said Wardens and Assessors, as amply and largely, as the said Wardens and Assessors, if chosen by the Freemen of the said City, might or ought to do by Virtue of this Act.

Publick Act.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That this Act shall be deemed and taken to be a publick Act, and shall be judicially taken Notice of as such, by all Judges and Justices, and other Persons whatsoever, without specially pleading the same.

Limitation.

PROVIDED ALWAYS, that this Act continue in Force for the Space of Seven Years, and from thence to the End of the next Sessions of Assembly, and no longer.

Passed *September* 15th, 1756. Recorded A Vol 3. p. 349.

LIII. *An* ACT *for striking the Sum of* Thirty Thousand Pounds *in Bills of Credit, and giving the same to the King's Use; and for providing a Fund to sink the Bills so to be emitted, by laying an Excise upon Wine, Rum, Brandy, and other Spirits.*

Preamble.

WHEREAS the large Sums already granted by this Province to the King's Use (whereby the Publick is become considerably indebted, and the People burdened with Taxes) are found insufficient, and the Monies arising from the said Grants are expended; yet forasmuch as the King's Service, and the present critical Circumstances of this Province require immediate additional Supplies, WE the Representatives of the Freemen of the Province of *Pennsylvania*, being desirous of demonstrating our Duty to our Sovereign, and willing to give further Testimony of our Loyalty and the most sincere Affection of his loving Subjects within this Province, do pray that it may be enacted, AND BE IT ENACTED by the Honourable *WILLIAM DENNY*, Esq; Lieutenant Governor under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That Bills of Credit to the Value of *Thirty Thousand Pounds*, current Money of *America*, according to an Act of Parliament made in the Sixth Year of the Reign of the late Queen *Anne*, for ascertaining the Rates of foreign Coins in the Plantations of *America*, shall be prepared and printed within two Months next after the passing of this Act, on good strong Paper, under the Care and Direction of the Trustees of the General Loan-Office for the Time being, the Charges whereof to be paid by the Provincial Treasurer, out of the first Monies to arise by Virtue of this Act. Which Bills shall be made and prepared in the Manner and Form following, and no other, *viz.*

30,000 l. to be struck in Bills of Credit.

Their Form.

THIS Bill shall pass current for within the Province of Pennsylvania, *according to an Act of General Assembly of the said Province, made in the Thirtieth Year of the Reign of King* GEORGE II. *Dated the First Day of* October, *One Thousand Seven Hundred and Fifty-six.*

AND the same Bills shall have such like Escutcheons as in the Margin hereof, with such other Devices on the said Bills as the said Trustees shall think fit, as well to prevent Counterfeits, as to distinguish their several Denominations: Each of which Bills shall be of the several and respective Denominations following, and no other, *viz.*

And Denominations.

TWELVE Thousand of the same Bills, the Sum of *Twenty Shillings* in each of them.

TWELVE Thousand of the same Bills, the Sum of *Fifteen Shillings* in each of them.

TWELVE Thousand of the same Bills, the Sum of *Ten Shillings* in each of them.

TWELVE Thousand of the same Bills, the Sum of *Five Shillings* in each of them.

AND the Trustees shall use the best of their Care, Attention and Diligence, during the printing of the said Bills, that the Number and Amount thereof, according to their respective Denominations aforesaid, be not exceeded, nor any clandestine or fraudulent Practice used by the Printer, his Servants, or others concerned therein.

AND for perfecting the said Bills, to make them current within this Province, according to the true Intent

Intent and Meaning of this Act, BE IT FURTHER ENACTED by the Authority aforeſaid, That all and every of the ſaid Bills ſhall be ſigned by three of the Perſons hereafter named; that is to ſay, *William Grant*, *Joſeph Richardſon*, *James Benezet*, *Samuel Wharton*, *Joſeph Wharton*, junior, *Daniel Rundle*, *Peter Chevalier*, *William Hopkins*, *Stephen Wooley*, *Joſhua Howell*, *Joſeph Galloway*, *George Bryan*, *Charles Thompſon*, *Iſaac Paſchall*, *Charles Jones*, *John Sayre*, *Francis Rawle*, *Thomas Wharton*, *Joſeph Saunders*, *Peter Reeve*, *Joſeph Morris*, *Samuel Smith*, *John Rhea*, *Thomas Smith*, *Jacob Cooper*, *William Fiſher*, *Joſeph Redman*, and *Luke Morris*, who are hereby nominated and appointed to be Signers, of the ſaid Bills; and ſhall, before they receive or ſign any of the ſaid Bills, take an Oath or Affirmation to the following Effect, *viz.* Signers Names.

THAT they ſhall well and truly ſign and number all the Bills of Credit that ſhall come to their Hands, for that Purpoſe, by the Direction of this Act; and the ſame ſo ſigned and numbered, will deliver, or cauſe to be delivered, unto the Truſtees of the General Loan-Office of the Province of Pennſylvania, *purſuant to the Direction of this Act.* Signers Qualification.

AND for avoiding the Danger of Embezzlement or Miſapplication of any of the ſaid Bills of Credit it is hereby further ENACTED, ORDAINED, and PROVIDED, That the ſaid Truſtees, after the ſaid Bills are printed, ſhall deliver them to the ſaid Signers, to be ſigned and numbered by Parcels; for which the ſaid Signers, or ſome of them, ſhall give their Receipt; That is to ſay, *One Thouſand Pounds* Value in the ſaid Bills at one Time, and ſo from Time to Time, until all the ſaid Bills of Credit ſhall be ſigned and numbered: Yet ſo as that the ſaid Truſtees ſhall not deliver any other of the ſaid Bills to the Signers aforeſaid, whilſt the Sum in their Cuſtody exceeds *One Thouſand Pounds*. Of all which Bills of Credit, ſo delivered to be ſigned by the Truſtees, true Account ſhall be kept by the Signers, who, upon their Redelivery of each, or any Parcel of the ſaid Bills of Credit, by them ſigned and numbered, to the Truſtees of the General Loan-Office, ſhall take the Receipt of the ſaid Truſtees, to charge them before any Committee of the Aſſembly, to be appointed for that Purpoſe.

AND each of the ſaid Signers ſhall have *Fifteen Shillings* for every Thouſand of the aforeſaid Bills by them ſigned and numbered, to be paid by the provincial Treaſurer out of the firſt Exciſe Money that ſhall come to his Hands by Virtue of this Act. And if any of the Perſons, before nominated to be Signers, ſhall happen to die, neglect or refuſe, or be rendered incapable of doing his or their Duty by this Act required, the Aſſembly for the Time being ſhall or may appoint ſome other Perſon or Perſons in his or their Stead, from Time to Time, until all the Bills hereby directed to be made be wholly ſigned and numbered as aforeſaid. Signers Allowance.

AND WHEREAS the Commiſſioners nominated and appointed by the Act heretofore paſſed by this Aſſembly, intituled, *An Act for granting the Sum of* Sixty Thouſand Pounds *for the King's Uſe, and for ſtriking* Fifty-five Thouſand Pounds *thereof in Bills of Credit, and to provide a Fund for ſinking the ſame*, have, with the Conſent of the Governor, already expended the Sum of *Fifty-five Thouſand Pounds*, and have entered into Contracts for the King's Service, exceeding (after the Proprietaries free Gift be fully paid) the whole Sum of *Sixty Thouſand Pounds* granted by the ſaid Act: THEREFORE BE IT FURTHER ENACTED by the Authority aforeſaid, That when the ſaid Bills are ſigned and perfected, the Commiſſioners herein after named, or the major Part of them, or of the Survivors of them, ſhall, and they are hereby impowered to diſcharge and pay all ſuch Debts, as the Commiſſioners, appointed by the Act herein before mentioned for granting *Sixty Thouſand Pounds* to the King's Uſe, ſhall certify under their Hands, (or the Hands of a Majority of them) to be Debts juſtly due, and contracted for the King's Service, and properly chargeable to this Province. Commiſſioners appointed by this Act, to diſcharge the Provincial Debts certified by the former Commiſſioners,

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That *Iſaac Norris*, *Lyn-Ford Lardner*, *John Mifflin*, *Benjamin Franklin*, *Joſeph Fox*, *John Hughes*, and *William Maſters*, Eſquires, or the major Part of them, or of the Survivors of them, with the Conſent and Approbation of the Governor, or Commander in Chief of this Province for the Time being, and not otherwiſe, ſhall order and appoint the Diſpoſition of the Reſidue of the Monies ariſing by Virtue of this Act for the King's Uſe. And that the ſaid *Iſaac Norris*, *Lyn-Ford Lardner*, *John Mifflin*, *Benjamin Franklin*, *Joſeph Fox*, *John Hughes*, and *William Maſters*, or a Majority of them, or of the Survivors of them, ſhall, and they are hereby impowered and required as often as there ſhall be Occaſion for Money for the Purpoſes aforeſaid, to draw Orders upon the Truſtees of the General Loan-Office, which Orders ſo drawn and paid ſhall be produced to the Committees of Aſſembly for the Time being, and by them allowed in Diſcharge of ſo much of the Money granted to the King's Uſe by Virtue of this Act. And the ſaid Orders ſo as aforeſaid paid, ſhall be ſufficient to diſcharge the ſaid Truſtees, their Executors, Adminiſtrators and Aſſigns, of and from ſo much of the ſaid *Thirty Thouſand Pounds* as ſhall be ſpecified in the ſaid Orders. And the ſaid Commiſſioners for their Trouble in diſcharging the Duties required of them by this Act, ſhall have and receive *One per Centum* on the whole Sum of the Orders by them drawn, and no more. And the Truſtees for receiving and paying the ſaid Bills, ſhall have and receive *Ten Shillings* for every Hundred Pounds, and no more. Appointment of the Commiſſioners to diſpoſe of the Money ariſing by this Act, Their Allowance. Truſtees Allowance,

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all the aforeſaid Bills of Credit to be made as this Act directs ſhall be current Bills of this Province until the Firſt Day of *October* in the Year One Thouſand Seven Hundred and Sixty-ſix, and no longer: And as ſuch during the ſaid Term, be received in Payments for the Diſcharge of all Manner of Debts, Rents, Sum and Sums of Money whatſoever due, payable or accruing upon or by Reaſon of any Mortgage, Bill, Bond, Specialty, Note, Book-Account, Promiſe, or other Contract or Cauſe whatſoever, as if the ſame were tendered or paid in the Coins mentioned in ſuch Bond or other Writing, Book-Account, Promiſe, Aſſumption, or any other Contract or Cauſe whatſoever, and at the Rates aſcertained in the ſaid Act of Parliament, and ſhall be ſo received in all Payments by all Perſons whatſoever. The Bills to be current till Oct. 1ſt, 1766, &c.

Counterfeiters, &c. to suffer Death.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons shall presume to counterfeit any of the said Bills of Credit made current by this Act, by printing or procuring the same to be printed in the Likeness of the said genuine Bills of Credit: and also, if any Person or Persons shall forge the Name or Names of the Signers of the true Bills of Credit, to such counterfeit Bills, whether the Counterfeiting of the said Bills or Names be done within this Province or elsewhere, or shall utter such Bills, knowing them to be so counterfeited as aforesaid; and being thereof legally convicted, by Confession, standing mute, or by the Verdict of twelve Men, in any Court of Record within this Province, he, she, or they, shall suffer Death, without Benefit of the Clergy, And the Discoverer or Informer shall have, as an Encouragement for his Discovery, the Sum of *Fifty Pounds*, of the Goods and Chattles, Lands and Tenements of the Person convicted; and if no such Goods and Chattles can be found, then the Treasurer shall pay to such Informer or Discoverer, his Executors, Administrators, or Assigns, the Sum of *Ten Pounds*. And if any Person or Persons shall counterfeit any of the said Bills of Credit of this Province, by altering the Denomination of the said Bills, with Design to increase the Value of such Bills, or shall utter such Bills, knowing them to be so counterfeited or altered as aforesaid, and shall thereof be legally convicted in any Court of Record in this Province, such Person or Persons shall be sentenced to the Pillory, and to have both his or her Ears cut off and nailed to the Pillory, and to be publickly whipt on his or her bare Back with Thirty one Lashes well laid on; And moreover, every such Offender shall forfeit the Sum of *One Hundred Pounds*, lawful Money of *Pennsylvania*, to be levied on his and her Lands and Tenements, Goods and Chattles, the one Half to the Use of the Governor, and the other Half to the Discoverer; and the Offender shall pay to the Party grieved double the Value of the Damages thereby sustained, together with the Costs and Charges of Prosecution. And in case the Offender hath not sufficient to satisfy the Discoverer for his or her Damages and Charges, and pay the Forfeiture aforesaid, in such Case the Offender shall, by Order of the Court where he or she was convicted, be sold for any Term not exceding seven Years, for Satisfaction; and in such Case the said Treasurer shall reward the Discoverer of such insolvent Offender to the Value of *Five Pounds*. And every such counterfeit Bill shall be delivered to the said Treasurer, to be made Use of upon the Trial of the Person accused or suspected, and afterwards to be burnt or destroyed by the said Treasurer in the Presence of a Committee of Assembly.

Informer's Reward.

Persons altering Bills, how punished, &c.

Treasurer to pay 3000l. yearly, for 10 Years, to the Trustees

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Treasurer of this Province for the Time being shall, out of the Money paid into his Hands by Virtue of this Act, yearly and every Year, for the Space of Ten Years next ensuing the first Day of *October*, in the Year One Thousand Seven Hundred and Fifty-six, pay into the Hands of the Committees of Assembly, yearly appointed to settle the Publick Accounts, *Three Thousand Pounds* in Bills of Credit of this Province, which shall yearly during the Term last aforesaid, be by the said Committees burnt and destroyed.

30,000 l. to be sunk by an Excise on Spirits for ten Years

Four-pence per Gallon.

AND to the End the *Thirty Thousand Pounds* in Bills of Credit so as aforesaid given to the King's Use may be duly sunk and destroyed, BE IT FURTHER ENACTED by the Authority aforesaid, That there shall be, throughout this Province, raised, levied, collected, and paid, for all Rum, Brandy and other Spirits, sold, drawn or bartered, by any Person or Persons whatsoever, by any Quantity under Seventy Gallons; and for all Wine sold, drawn or bartered, under the Quantity of one Hogshead, and to be delivered at one Time, and to one Person, at any Time after the first Day of *October*, One Thousand Seven Hundred and Fifty-six, and during the Space of Ten Years next following, and for so long after as until the End of the then next Session of Assembly, the Rate or Sum of *Four-pence per* Gallon, and so proportionably for a greater or lesser Quantity.

Retailer shall take a Permit.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That every Retailer of all or any of the said Liquors, before he or they draw, sell or barter any of the said Liquors, shall enter his or her Name, and Place of Abode, with the Collectors of the respective Counties herein after appointed, or their Deputies, in Books to be by them kept for that Purpose; and shall also take and have from the said Collectors or their Deputies respectively, a Permit for drawing or selling such Liquors; for which Entry and Permit they shall pay *One Shilling*, and no more.

to pay at least 3 l. of Duty per Annum.

PROVIDED ALWAYS, That no such Permit be granted to any Person or Persons to retail the Liquors aforesaid, the Rates and Duties whereof (by this Act imposed) do not amount to the Value of *Three Pounds per Annum*, and so in Proportion for a lesser Time, unless such Retailer or Retailers, at the Time of their obtaining such Permit as aforesaid, will undertake and give Security (if thereunto required by the said Collectors respectively) well and truly to pay so much to the said Collectors as shall make up the Rates and Duties, by this Act imposed, the Sum of *Three Pounds per Annum*, and so proportionably for a longer or shorter Time.

Retailers to make Entry of all Wine, &c. by them retailed, pay once in 3 Months,

AND all such Retailers, and every of them, are hereby enjoined once in every three Months, or oftener if required, to make true and particular Entries with the Collectors or their Deputies aforesaid respectively, upon Oath, or Affirmation (which the said Collectors or their Deputies are hereby fully impowered to administer) of all Wine, Rum, Brandy, and other Spirits, which they, or any of them shall have vended, bartered or retailed within that Time, and so from Time to Time, during the Continuance of this Act, and shall, and are hereby required to account and pay to the said Collectors or their Deputies respectively, once in every three Months, or oftener if required, all such Sum and Sums of Money as shall become due and payable by Virtue of this Act.

Shall give Account of Liquors in their Possession.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all and every Retailer of all or any of the Liquors aforesaid, shall on the Entry of their Names and Places of Abode with the Officers aforesaid, give unto the said Collectors or their Deputies, an exact and true Account of all Wine, Rum, Brandy, and other Spirits, which shall be in their Possession at the Time of Entry aforesaid, and

of

of whom purchaſed; for which Entry the ſaid Retailer ſhall pay *Six-pence*, and no more.

Before they remove any Liquors, to enter with the Collector of Philadelphia.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all and every Retailer of all or any of the Liquors aforeſaid, ſhall alſo, from Time to Time, from and after the firſt Day of *October* next, before they load, or cauſe to be loaded into any Veſſel, or put into any Cart, Waggon, Dray, or any other Carriage, for Tranſportation, and before they remove or cauſe to be removed from the Houſes, Shops, Cellars, Vaults, Stores, or Places where purchaſed, any Cask or Quantity of Liquors liable to pay the Duties impoſed by this Act, make Entry with the Collector of the City and County of *Philadelphia* of all and every ſuch Cask or Quantity of Liquors, with the Marks, Numbers and Contents thereof, and of whom purchaſed. And the Collector of the City and County of *Philadelphia* ſhall certify to the Collectors of the Counties reſpectively, under his Hand, the Entries ſo as aforeſaid made, of all Quantities of Liquors liable to pay the Duties impoſed by this Act, tranſported into the ſeveral Counties, in order that the Collector or Collectors of the reſpective Counties may make Entry thereof accordingly; for which Entry and Certificate, the Collector of the City and County of *Philadelphia* ſhall receive *Six-pence* and no more.

Who is to certify the ſame to the other County Collectors reſpectively.

Liquors purchaſed in New-Jerſey, &c. and retailed within this Province, to be entered, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all and every Retailer of all or any of the Liquors aforeſaid, who ſhall or may purchaſe any of the ſaid Liquors in *New-Jerſey*, or the Three Lower Counties, on *Delaware*, or any other Colony not ſubject to our Laws, ſhall alſo from and after the firſt Day of *October* next, for and during the Continuance of this Act, before they take into their Houſes, Shops, Cellars, Vaults or Stores, or divide any Quantity of the ſaid Liquors liable to pay the Duties impoſed by this Act, make Entry of all and every ſuch Cask, or Quantity of Liquors with the Collectors of the Counties or their Deputies reſpectively, where ſuch Liquors are brought, or intended to be retailed or divided, with the Marks, Numbers and Contents thereof, and of whom purchaſed, under the Penalties and Reſtrictions, and ſubject to the ſame Fines and Forfeitures, as if the ſaid Wine, Rum, Brandy, or other Spirits, had been purchaſed within this Province, any Thing in this Act to the contrary notwithſtanding.

Penalty on Retailers not entering &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Retailer ſhall preſume to remove, retail, draw, ſell, or barter any of the Liquors aforeſaid, contrary to the true Intent and Meaning of this Act, without having firſt entered his or her Name, and Place of Abode with the Collector of the City and County of *Philadelphia*, and with other the Collectors or their Deputies, as this Act directs, every ſuch Retailer ſhall forfeit and pay the Sum of *Five Pounds* over and above the Duties for all ſuch Liquors retailed by them as aforeſaid; or if after ſuch Entry made, any ſuch Retailer ſhall refuſe or neglect to make true and particular Entries every three Months, as directed by this Act, or ſhall refuſe or neglect to account with, or pay to the ſaid Collectors or their Deputies, what ſhall appear to be due by this Act, upon the Entries made by them as aforeſaid, once in every three Months, or oftener if thereunto required, every ſuch Retailer ſhall forfeit and pay for ſo neglecting or refuſing to enter the Liquors drawn every three Months reſpectively, and to account and pay as aforeſaid, for the firſt Offence, the Sum of *Forty Shillings*, and for the ſecond Offence *Five Pounds*, and have their Permit or Licence taken away, and are hereby declared incapable of retailing or ſelling any of the Liquors aforeſaid during the Continuance of this Act.

Penalty for neglecting to pay, &c.

AND if the Perſon or Perſons liable to pay the Duties ariſing upon ſelling or retailing of the Liquors mentioned in this Act, ſhall neglect or refuſe to pay the ſame in the Manner and at the Times herein limited and appointed, by the Space of ten Days after the ſame ought to be paid, it ſhall and may be lawful for the ſaid Collectors reſpectively (by Virtue of a ſpecial Warrant for that Purpoſe, ſigned and ſealed by any one Juſtice of the Peace of the City or County where the Offence is committed) to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of the Offender, rendering the Overplus, if any be, to the Owner or Owners, after reaſonable Charges deducted.

Liquors not truly entered to be ſeized, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon ſhall make ſhort or fraudulent Entries of the Liquors in his or her Poſſeſſion as aforeſaid, or ſhall neglect or refuſe to enter and take Permits for ſuch Liquors as he or ſhe ſhall receive into his or her Houſe, Shop, Cellar, Vault, Store or other Place, after the firſt Day of *October* next, all ſuch Liquors not entered as aforeſaid, ſhall be forfeited, and the Collectors hereafter named, or their Deputies, are hereby reſpectively impowered to enter at any Time, when they ſhall ſee convenient, the Houſe, Cellar, Vault, Store, or Shop of any Retailer, and to compare the Liquors in ſuch Houſe, Cellar, Vault, Shop, or Store, with the Entries made, and to ſeize and take away all ſuch Liquors as ſhall be found not truly entered as aforeſaid. And if it ſhall be found impracticable or inconvenient to take away the ſaid Liquors, from the Places where they are ſo as aforeſaid ſeized, the Collector or Collectors in every ſuch Caſe ſhall aſcertain the Quantity of the ſaid Liquors by gauging the ſame, and the Owner or Owners thereof ſhall pay to the ſaid Collector who ſhall ſeize the ſame the Value thereof, eſtimated at, and according to the current Market Price of the ſaid Liquors at *Philadelphia*, at the Time of the making ſuch Seizure.

Collectors may enter Houſes, &c. to ſearch, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Collectors or their Deputies, may enter into any Houſe, Cellar, Vault, Store, or other Room, in the Day-time, to ſearch, examine, and gauge the Liquors of any Perſon retailing with or without Licence or Permit, as often as he or they ſhall ſee fit: And upon their refuſing him Liberty ſo to do, he may force and break open Doors to gauge and examine the ſame, and in caſe of Oppoſition, if Neceſſity requires, ſhall take to his Aſſiſtance, the Sheriff, or one or more Conſtables of the Town or County reſpectively, who, without any other Warrant, are hereby, under the Penalty of *Five Pounds* for every Refuſal or Neglect, required to be aiding and aſſiſting to the ſaid Collectors and their Deputies therein, for the better and more effectual collecting the Duties, Penalties and Forfeitures impoſed by this Act.

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Allowance for Leakage, &c.

PROVIDED ALWAYS, That there shall be allowed by the Collectors, or their Deputies, unto the several Retailers of the Liquors aforesaid, *Fifteen per Cent.* for Leakage and Wastage; and if any Cask should happen to start or burst, no Duties shall be reckoned for so much of the said Liquors as such Retailers shall prove was lost thereby.

Appointment of Collectors,

AND BE IT ENACTED by the Authority aforesaid, That *Joseph Stretch*, of *Philadelphia*, Gent. shall be and is hereby appointed Collector of the Excise, *&c.* within the City and County of *Philadelphia*; and that *Joseph Hamton* of *Bucks* County, Gent. shall be and is hereby appointed Collector of the Excise, *&c.* for the County of *Bucks*; and that *Charles Humphreys*, of *Chester* County, Gent. shall be and is hereby appointed Collector of the Excise, *&c.* for the County of *Chester*; and that *James Webb*, of *Lancaster* County, Gent. shall be and is hereby appointed Collector of the Excise, *&c.* for the County of *Lancaster*; and that *Thomas Minshall*, of *York* County, Gent. shall be and is hereby appointed Collector of the Excise, *&c.* for the County of *York*; and that *Nathaniel Wilson*, of *Cumberland* County, Gent. shall be and is hereby appointed Collector of the Excise, *&c* for the County of *Cumberland*; and that *John Hughes*, of *Berks* County, Gent. shall be and is hereby appointed Collector of the Excise, *&c.* for the County of *Berks*; and that *John Jones* of *Northampton* County, Gent. shall be and is hereby appointed Collector of the Excise, *&c.* for the County of *Northampton*; which said several Collectors are hereby severally impowered by themselves or their Deputies, to be by them duly constituted, and for whom they shall be accountable, to demand, collect, receive and recover, the Excise appointed to be paid by this Act, of and from all and every Person or Persons (within their respective Counties and Places for which they are appointed) retailing or vending any of the Liquors by this Act liable to pay the Duties aforesaid; and also to recover and receive all and every the Duties, Fines and Forfeitures laid and imposed, or that shall happen to arise or become due for any Thing done contrary to the true Intent and Meaning of this Act.

Their Accounts to be submitted to the Provincial Treasurer, &c.

AND the said Collectors are hereby required to keep true and fair Accounts in Writing, of all their Doings in the Premises; which Accounts they shall, when thereunto required, submit to the View and Inspection of the Provincial Treasurer for the Time being, and thereupon settle and adjust the said Accounts; and also lay the same before the Assembly of this Province, when and so often as they shall be thereunto required.

To make Payment to the Treasurer.

AND the said Collectors, and each of them, shall, once in three Months, or oftener if required, pay unto the provincial Treasurer, all such Sums of Money as they shall receive by Virtue of this Act, deducting out of the same *Ten per Cent.* for all Sums by them received in the Counties of *Bucks*, *Chester*, *Lancaster*, *York*, *Cumberland*, *Berks*, and *Northampton*, and *Five per Cent.* for the County and City of *Philadelphia*, for their Trouble and Care in collecting and paying the same; and deducting also one Moiety of all the Forfeitures by them recovered for any Offence committed against this Act, after Charges paid and satisfied: And shall be further allowed in the final adjusting of their Accounts with the Assembly of this Province, all reasonable Charges which may have accrued in prosecuting Persons offending against this Act.

They may be distrained on, and may also distrain.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if the said Collectors, or any of them, shall refuse or neglect to collect the said Excise respectively, or any Part thereof, and pay the same unto the provincial Treasurer within the Time limited in this Act, every such Collector so refusing or neglecting, shall pay all the Arrearages of such Excise which he ought to have collected, which shall be levied by a Warrant, under the Hand and Seal of any two Magistrates of the City of *Philadelphia* for the Time being (whereof the Mayor or Recorder always to be one) or of any two Magistrates of the respective Counties where the Offence is committed, directed to the Sheriff of the County, who is hereby impowered and required to execute such Warrant upon the Goods and Chattels of the Collectors so offending; and in Case Goods and Chattels sufficient to make Satisfaction cannot be found, then to imprison such Offender until Payment be made; and the Collector being so distrained on, and having made full Satisfaction as aforesaid, is hereby impowered, without any other Warrant, to distrain for his own Use, upon all such Persons as shall refuse or neglect to pay the said Arrearages.

Collectors to give Bond, *&c.*

AND the said respective Collectors, before they enter upon the Execution of their said respective Offices, are hereby required to give Bonds, with two sufficient Sureties, to the said Treasurer, for the Time being, in Manner following, *that is to say*; That the said *Joseph Stretch*, Collector of the Excise, *&c.* for the City and County of *Philadelphia*, in the Sum of *Five Hundred Pounds*; the said *Joseph Hamton*, Collector of the Excise, *&c.* for the County of *Bucks*, in the Sum of *Two Hundred Pounds*; the said *Charles Humphreys*, Collector of the Excise, *&c.* for the County of *Chester*, in the Sum of *Two Hundred Pounds*; the said *James Webb*, Collector of the Excise, *&c.* for the County of *Lancaster*, in the Sum of *Two Hundred Pounds*; the said *Thomas Minshall*, Collector of the Excise, *&c* for the County of *York*, in the Sum of *One Hundred Pounds*; the said *Nathaniel Wilson*, Collector of the Excise, *&c.* for the County of *Cumberland*, in the Sum of *One Hundred Pounds*; the said *John Hughes*, Collector of the Excise, *&c.* for the County of *Berks*, in the Sum of *Two Hundred Pounds*; the said *John Jones*, Collector of the Excise, *&c.* for the County of *Northampton*, in the Sum of *One Hundred Pounds*; for the faithful Discharge of their respective Duties, and for the respective accounting and paying all such Sums of Money as they shall from Time to Time receive by Virtue of this Act.

Collectors to publish Advertisements,

AND the said Collectors are hereby required to give publick Notice by printed Advertisements, fixed on convenient publick Places, certifying the Time of the Commencement of this Act; and also the Duties hereby imposed, with Notice to the Constables of their Duty; and full Directions how and when Entries are to be made, in Pursuance of this Act.

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PROVIDED ALWAYS, AND BE IT FURTHER ENACTED, That in caſe the ſaid *Joſeph Stretch*, *Joſeph Hamton*, *Charles Humphreys*, *James Webb*, *Thomas Minſhall*, *Nathaniel Wilſon*, *John Hughes*, and *John Jones*, or either of them, or ſuch as ſhall be hereafter appointed by Virtue of this Act, ſhall refuſe to take upon him or them to be the Collector or Collectors of the ſaid Duties, or having taken the ſame upon him or them, ſhall afterwards neglect or decline the ſame, or misbehave him or themſelves therein, or die, during the Continuance of this Act; that then, and in every ſuch Caſe, the Provincial Treaſurer ſhall appoint another or others in the Place or Stead of ſuch Perſon or Perſons ſo refuſing, neglecting, misbehaving or dying, who ſhall have the ſame Power and Authority, and ſhall be liable to the ſame Reſtrictions and Penalties, as by this Act is given to the Collectors herein named, until others ſhall be appointed by the Aſſembly.

In caſe of Neglect, &c. the Provincial Treaſurer may appoint other Collectors,

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Perſon or Perſons within this Province ſhall, during the Continuance of this Act, retail leſs than one Quart of Rum, Wine, Brandy or other Spirits, to be delivered at one Time, and to one Perſon, unleſs ſuch Perſon or Perſons ſhall be regularly recommended to the Governor for the Time being, and by him licenced, according to the Direction of an Act of Aſſembly of this Province in that Caſe made and provided. And if any Perſon or Perſons ſhall preſume, during the Continuance of this Act, to retail within this Province leſs than one Quart of Wine, Rum, Brandy, or other Spirits, to be delivered at one Time, and to one Perſon, without being legally recommended and licenced as aforeſaid, he, ſhe, or they ſo offending, ſhall forfeit and pay the Sum of *Five Pounds* over and above the Duties for all ſuch Liquors by them retailed as aforeſaid, or be committed to the Work-houſe or Priſon of the reſpective County where the Offence ſhall be committed, there to be kept at hard Labour for the Space of five Months, any Thing in this Law, or any other Law, Uſage or Cuſtom, to the contrary notwithſtanding.

Penalty on retailing leſs than one Quart without Licence,

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all and every ſuch Perſon and Perſons, who by Virtue of Licences obtained from the Governor, ſhall be allowed to retail Wine, Rum, Brandy or other Spirits in leſs Quantity than a Quart, as aforeſaid, every ſuch Retailer or Retailers, who ſhall apply him, her or themſelves to the Juſtices of the Court of Quarter Seſſions of the Counties to which he, ſhe, or they reſpectively do belong, for a Recommendation to the Governor to renew their Licences for keeping a Publick-houſe or Houſes, and retailing as aforeſaid, every ſuch Perſon and Perſons ſhall, on every ſuch Application, and before any Recommendation obtained, produce Certificates from the Collectors of the ſaid Counties reſpectively, to which he, ſhe, or they belong, of having diſcharged all Arrearages of Money due to the ſaid Collectors, or any of them, for the Rates and Duties impoſed; or otherwiſe the ſaid Juſtices are hereby enjoined and required not to recommend ſuch Perſon or Perſons for the Purpoſe aforeſaid. And every ſuch Perſon or Perſons are hereby declared incapable of retailing any of the Liquors aforeſaid in leſs Quantities than one Quart as aforeſaid; and in caſe any Perſon or Perſons ſhall, notwithſtanding, retail in leſs Quantities than one Quart as aforeſaid, he, ſhe, or they ſo offending, ſhall be liable to ſuch and the ſame Penalties and Forfeitures as by this Act is impoſed on other Perſons.

Condition of Recommendation,

AND, for the better Diſcovery of Frauds and Abuſes, BE IT FURTHER ENACTED by the Authority aforeſaid, That it ſhall and may be lawful for any Juſtice of the Peace in this Province, upon Application made by any one of the ſaid Collectors, or other Perſon, to ſummon any Perſon or Perſons to appear before ſuch Juſtice, at ſuch Time and Place as he ſhall appoint, to give Evidence upon Oath or Affirmation, for Diſcovery of Frauds and Abuſes committed againſt this Act. And if any Perſon or Perſons, ſummoned as aforeſaid, ſhall neglect or refuſe to appear and give Evidence as aforeſaid, he, ſhe or they ſo offending, ſhall, for every ſuch Offence, be fined by the Juſtice that iſſued out the Summons in any Sum not exceeding *Twenty Shillings*, and be committed to Priſon until paid.

Juſtices may ſummon Evidence againſt Frauds, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all the Forfeitures and Offences made, done, and committed againſt this Act, or any Clauſe or Article therein contained, ſhall be heard, adjudged and determined by ſuch Perſon or Perſons, and in ſuch Manner and Form, as herein is directed; *that is to ſay*, All ſuch Forfeitures and Offences made and committed within the City of *Philadelp'ia*, ſhall be heard, adjudged, and determined by any two or more of the Aldermen of the ſaid City; and all ſuch Forfeitures and Offences made and committed within any of the Counties of this Province, ſhall be heard and determined by any two or more of the Juſtices of the reſpective Counties where ſuch Forfeitures ſhall be made or Offence committed.

By whom Offences againſt this Act are to be determined,

AND if the Party finds him or herſelf aggrieved by the Judgment given by the ſaid Aldermen or Juſtices, he or ſhe may appeal to the Juſtices of the Peace of the next Court of General Quarter Seſſions of the Peace, to be held for the reſpective City or County where the Judgment ſhall be given; which Court is hereby impowered and authorized to hear and determine the ſame, and whoſe Judgment therein ſhall be final.

Parties may appeal to the Court,

PROVIDED ALWAYS, That no Alderman or Juſtice, who ſhall ſit on the firſt Hearing of any ſuch Cauſe, ſhall ſit to hear and determine in the ſame Cauſe, in caſe any Appeal ſhall happen to be made therein.

AND the ſaid Aldermen and Juſtices of the ſaid City and Counties of this Province, are hereby authorized and ſtrictly enjoined and required, upon any Complaint or Information exhibited and brought of any ſuch Forfeiture made, and Offence committed, contrary to this Act, to ſummon the Party accuſed, and upon his or her Appearance or Contempt, to proceed to Examination of the Matters of Fact, and upon due Proof thereof, either by Confeſſion of the Party, or by the Oath or Affirmation of one or more credible Witneſſes, to give Judgment or Sentence as before is directed, and to award and iſſue out Warrants under their Hands and Seals for the Levying of ſuch Forfeitures, Penalties and Fines, as

Juſtices to proceed againſt Offenders of this Act,

by this Act is impoſed, for any ſuch Offences committed, upon the Goods and Chattels of ſuch Offender; and to cauſe Sale to be made of ſuch Goods and Chattels (if they are not redeemed within five Days) rendering to the Parties the Overplus, if any be, the Charges of Diſtreſs and Sale being firſt deducted; and for Want of ſufficient Diſtreſs, to impriſon the Party offending, until Satisfaction be made.

Officers, &c. ſued, may plead, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if the ſaid Magiſtrate, Officer, or any Sheriff or Conſtable ſhall be ſued and proſecured for any Thing done by them in Purſuance of this Act, he or they may plead the general Iſſue, and give this Act and ſpecial Matter in Evidence for his or their Juſtification; and in caſe a Verdict ſhall be given againſt the Proſecutor, or he ſhall become Nonſuit, or ſuffer a Diſcontinuance, the Defendant ſhall recover treble Coſts, to be recovered as is uſual in other Caſes.

Conſtables to return to the Court all Retailers

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all and every the Conſtables of the reſpective Townſhips or Diſtricts in this Province, ſhall, and are hereby required, under the Penalty of the Forfeiture of *Twenty Shillings* for every Refuſal or Neglect, to return on Oath or Affirmation unto the Court of Quarter-Seſſions in their reſpective Counties, the Names and Places of Abode of all Perſons in their ſeveral Townſhips or Diſtricts, retailing or vending any Liquors liable to pay the Duties impoſed by this Act, and that the Collector of ſuch reſpective County may and ſhall have Recourſe to the Returns of the Conſtables for the better collecting the Duties, Fines and Forfeitures, ariſing upon this Act.

Sharing of Rum, &c. to be deemed retailing.

AND WHEREAS it has been the Practice of divers Perſons, who were not Retailers of the ſaid Liquors formerly, to draw off certain Quantities of Wine, Rum, and other Spirits, and diſtribute the ſame amongſt their Neighbours, on Purpoſe to elude the Payment of Exciſe; for Prevention whereof for the future, it is hereby enacted and declared, that the Drawing, Diſtributing, or Sharing of any Rum, Wine, Brandy, or other Spirits, out of any Cask or Casks whatſoever, into any Quantity or Quantities leſs than Seventy Gallons each, under Pretence of making it convenient for Carriage, or otherwiſe, ſhall be deemed and taken to be retailing within the Meaning of this Act.

Collectors, &c. not to deal in Liquors.

PROVIDED, That the Collectors of the Exciſe aforeſaid, or any of them, nor their or any of their Deputies, nor any other Perſon or Perſons to be appointed in their or any of their Places or Stead, ſhall, during the Continuance of this Act, vend, barter, ſell, exchange, or trade in any of the Liquors aforeſaid, made exciſeable by this Act, under the Penalty of *Fifty Pounds*, to be recovered by Action of Debt, Bill, Plaint, or Information, by any Perſon who will ſue for the ſame to Effect, one Half thereof to the Uſe of the Perſon ſo ſuing, the other Half thereof to be paid in to the Provincial Treaſurer aforeſaid. And the Perſon or Perſons duly convicted of any ſuch Offence or Offences againſt this Act, is, and are hereby diſabled from acting any longer in their reſpective Offices; and the Treaſurer aforeſaid, is hereby authorized and required to name another or others in Lieu or Stead of the Perſon or Perſons ſo offending, who ſhall have the ſame Powers and Authorities, and be liable to the ſame Reſtrictions and Penalties as the Collectors named in this Act, until others are appointed by the General Aſſembly of this Province.

Collectors to continue in their Offices for one Year, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Collectors of Exciſe herein and by this Act appointed, ſhall be and continue in their reſpective Offices from the Publication of this Act for the Space of one Year, and from thence until a new Nomination and Appointment ſhall be made by the Aſſembly, and no longer; which ſaid Collectors ſo appointed, ſhall, during their Continuance in their reſpective Offices, have all the Powers and Authorities, and be intitled to the Fees and Perquiſites herein before mentioned and appointed, in as full and ample Manner as if the ſaid Collectors had been appointed in the Body of this Act.

Provincial Treaſurer to give Bond, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Provincial Treaſurer, before his Entrance upon the Execution of the Duties enjoined him by this Act, ſhall become bound to the Governor, or Commander in Chief of this Province for the Time being, with one or more Sureties, in an Obligation of *Three Thouſand Pounds*, conditioned for the true Obſervation of this Act, and the Duty which to the ſaid Office doth appertain. And in Caſe of the Death or Removal of the ſaid Treaſurer, it ſhall and may be lawful for the Aſſembly to appoint ſome other fit Perſon to ſupply his Place, who ſhall give Security as aforeſaid.

To have Five per Cent. Commiſſions.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Provincial Treaſurer, for all the Monies which ſhall come to his Hands in Purſuance of his Office aforeſaid, by Virtue of this Act or otherwiſe, ſhall be allowed Commiſſions for the ſame, at the Rate of *Five per Cent.* and no more.

To deliver Liſts of old Outſtanding Debts to the new Officers, to be recovered &c.

AND WHEREAS there are ſundry Sums of Money which became due by Virtue of the former Acts of Exciſe ſtill outſtanding, and not received by the former Collectors, BE IT ENACTED by the Authority aforeſaid, That the Provincial Treaſurer for the Time being, ſhall deliver unto the Officers appointed by this Act, a true Liſt of all ſuch outſtanding Sums of Money as became due upon the former Acts of Exciſe, together with the Names and Places of Abode of the Perſon or Perſons from whom the ſame are due; and the ſaid Collectors are hereby authorized and impowered to demand, recover and receive the ſame, in the ſame Manner as the Exciſe ariſing upon this Act is directed to be received and recovered, and ſhall upon Receipt thereof pay the ſame to the Provincial Treaſurer, for diſcharging the Sum of *One Thouſand Pounds*, Part of *Five Thouſand Pounds*, granted to the King's Uſe, by an Act paſſed in the Nineteenth Year of the preſent Reign, intituled, *An Act for granting Five Thouſand Pounds to the King's Uſe*, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if the Exciſe to be levied

vied by Virtue of this Act ſhall not be ſufficient during the Term for which it is granted to ſink the Sum of *Thirty Thouſand Pounds* hereby to be ſtruck and iſſued, and defray all incident Charges, in ſuch Caſe the ſame ſhall be continued until the ſaid Sum of *Thirty Thouſand Pounds* ſhall be compleatly ſunk and deſtroyed. And if the ſaid Exciſe ſhall, within the Term of ten Years, produce more than *Thirty Thouſand Pounds*, the incident Charges aforeſaid being defrayed, the Overplus ſhall be diſpoſed of by Act of Aſſembly for the King's Uſe. Proviſo in caſe of Deficiency or Surplus.

Paſſed *September* 21ſt, 1756. Recorded A. Vol. 4. p. 1.

LIV. *An* ACT *for the Relief of* Joſeph Yeates, *a languiſhing Priſoner in the Goal of* Philadelphia *with Reſpect to the Imprijonment of his Perſon.*

Paſſed *September* 21ſt, 1756. Recorded A. Vol. 3. p. 366.

Private Act.

LV. *An* ACT *for regulating the Officers and Soldiers commiſſionated and raiſed by the Governor for the Defence of this Province.*

Paſſed *Nov.* 4th, 1756. ---*Expired.*--- Recorded A Vol 3. p. 369.

LVI. *An* ACT *for extending ſeveral Sections of an Act of Parliament, paſſed in the Twenty-ninth Year of the preſent Reign, intituled,* "*An Act for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters.*"

Paſſed *Dec.* 8th, 1756.---*Expired.*---Recorded A. Vol. 3. p. 371.

LVII. *An* ACT *for binding out and ſettling ſuch of the Inhabitants of* Nova-Scotia, *imported into this Province, as are under Age; and for maintaining the Aged, Sick and Maimed, at the Charge of the Province.* A. D. 1757.

WHEREAS it has been found by Experience, that the Act of General Aſſembly of this Province, paſſed in the Twenty-ninth Year of the preſent Reign, intituled, "*An* ACT *for diſperſing the Inhabitants of* Nova-Scotia, *imported into this Province, into the ſeveral Counties of* Philadelphia, Bucks, Cheſter, *and* Lancaſter, *and the Townſhips thereof, and making Proviſion for the ſame,*" has not anſwered the good Intentions of the Legiſlature, of uniting them with his Majeſty's loyal Subjects, by granting the ſaid Inhabitants of *Nova-Scotia* equal Privileges and Immunities with the Inhabitants and Settlers of this Province: And the grievous Burthen of maintaining them in the Manner hitherto uſed, is greater than the good People of this Province, under their preſent diſtreſſed Circumſtances, are well able to bear. AND FORASMUCH as there are Numbers of Children among them, whoſe real Advantage and Intereſt it would undoubtedly prove, to be brought up in Induſtry and Frugality, and bound out to learn Husbandry, or ſome other profitable Art, whereby they might become reputable Inhabitants, intitled to the Rights of the *Britiſh* Subjects, and their Parents thereby eaſed of the Charge of their Maintenance, as well as the Publick, which, by proper Care, may be in a good Degree relieved from the preſent heavy Expence: Therefore, BE IT ENACTED by the Honourable *WILLIAM DENNY*, Eſq; Lieutenant Governor under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Penſylvania*, and of the Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That the Overſeers of the Poor of the ſeveral Townſhips wherein the ſaid Inhabitants of *Nova-Scotia*, by Virtue of the Act of Aſſembly herein before mentioned, are or have been diſperſed, ſhall, and they are hereby required and enjoined, within two Months after the paſſing of this Act, or as ſoon afterwards as they conveniently can, by and with the Conſent and Approbation of one or more Juſtices of the Peace, to bind out ſuch of the Children of the ſaid Inhabitants of *Nova-Scotia*, whoſe Parents or Friends are incapable to maintain, or neglect otherwiſe to provide for, to kind Maſters or Miſtreſſes, on the beſt Terms they can obtain, upon Condition with the ſaid Maſters or Miſtreſſes, in their reſpective Indentures, that the ſaid Children ſhall be taught to read and write the *Engliſh* Language, and ſuch reputable and profitable Occupations as may enable them to ſupport themſelves at the Expiration of their reſpective Indentures; the Male Children until they attain the Age of Twenty-one Years, and the Female Children until they attain the Age of Eighteen Years reſpectively, and no longer. Preamble. The Children ſhall be bound out by the Overſeers.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That at the Expiration of the ſaid Indentures reſpectively, the Perſon or Perſons ſhall be deemed to have gained a legal Settlement in the City or Townſhip where he or they ſhall have been bound out in Purſuance of this Act, unleſs the ſaid Perſon or Perſons ſhall have gained a Settlement in ſome other Townſhip, according to the Laws of this Province now in Force.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That ſuch of the ſaid Inhabitants of *Nova-Scotia* as by Reaſon of Age, Impotence, or any bodily Sickneſs or Infirmity, are rendered incapable to maintain or provide for themſelves, ſhall be provided for and maintained by the Overſeers of the Poor of the reſpective Townſhips wherein they are diſperſed, in like Manner as the poor Inhabitants of this Province are ſupported by the Laws now in being, but at the Charge of the Province. And the old ſick People among them provided for.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Act of Aſſembly of this Province herein before mentioned, intituled, "*An Act for diſperſing the Inhabitants of* Nova-Scotia, *imported into this Province, into the ſeveral Counties of* Philadelphia, Bucks, Cheſter *and* Lancaſter, *and the Townſhips thereof, and making Proviſion for the ſame,*" and every Clauſe, Matter and Thing therein contained, Repeal of a former Act.

contained, ſhall be, and is hereby repealed, and utterly made null and void, to all Intents, Conſtructions and Purpoſes whatſoever.

Paſſed *Jan.* 18th, 1757. Recorded A. Vol. 3, 372.

LVIII. *An* ACT *for regulating the Officers and Soldiers commiſſionated and raiſed by the Governor for the Defence of this Province: and for repealing the Act of General Aſſembly, paſſed in the preſent Reign, for the ſame Purpoſes.*

Paſſed *Jan.* 18th, 1757. ---*Expired.*--- Recorded A. Vol. 3. p. 377.

LIX. *A SUPPLEMENT to the Act, intituled,* "*An* ACT *for regulating and continuing the Nigthly Watch, and enlightening the Streets, Lanes and Alleys, of the City of* Philadelphia; *and for raiſing of Money on the Inhabitants, and Eſtates of the ſaid City, for defraying the neceſſary Expences thereof.*

Preamble

WHEREAS, by an Act paſſed in the preſent Year of His Majeſty's Reign, intituled, "*An Act for regulating and continuing the Nigthly Watch, and enligthening the Streets, Lanes and Alleys, of the City of* Philadelphia; *and for raiſing of Money on the Inhabitants, and Eſtates of the ſaid City, for defraying the neceſſary Expences thereof,*" amongſt other Things it is enacted, "That the Wardens of the City, of *Philadelphia*, for the Time being, ſhall be, and they are thereby authorized and impowered, with the Conſent of the Mayor, Recorder, or any two of the Magiſtrates of the ſaid City, to dig ſuch an additional Number of Wells, and therein fix Pumps, as to them ſhall appear neceſſary within the Streets, Lanes, or Alleys of the ſaid City. And the ſaid Wardens, or any four of them, are further authorized and impowered, to agree with the Owner or Owners for ſuch Pump or Pumps as are already fixed in the Streets, Lanes or Alleys, of the ſaid City, and, after ſuch Agreement made with the reſpective Owner or Owners thereof, ſuch Pump or Pumps ſhall for ever become the Property of, and belong to the Publick, to be maintained and kept in Repair at the Publick Charge. "AND whereas it is by the herein before-mentioned Act further enacted, "That the ſaid Wardens ſhall, and they are thereby authorized and enjoined to enquire into the Condition, and take Care of the Repair of the Pumps within the Streets, Lanes or Alleys of the ſaid City; and if after due Enquiry any of the ſaid Pumps ſhall be found, on the Evidence of two or more Witneſſes, to have been out of Repair by the Space of three Months next after Notice thereof given by one or more of the ſaid Wardens, to the Owner or Owners of the ſaid Pumps, then, and in ſuch Caſe, every ſuch Pump or Pumps ſhall for ever become and be the Property of the Publick, to be maintained at the publick Charge." AND whereas many Owners of the ſaid Pumps are inclinable and deſirous to make over their Rigths in and to the ſame; and divers other the Pumps within the Streets, Lanes and Alleys of the ſaid City, by being neglected and ſuffered to be and remain out of Repair, are likely to become the Property of the Publick, to be maintained at the publick Charge," as in and by the herein before-mentioned Act is directed, whereby a very heavy Charge muſt accrue for the neceſſary Repairs and Expences thereof. AND ſome Doubts having ariſen touching the Power of the Wardens to enforce an equitable Conſideration, or annual Payment, from ſuch Families, Houſholders and others as ſhall make Uſe of the ſaid Pumps, or any of them, that are or ſhall hereafter become the Property of the Publick, for and towards the neceſſary Repairs and Expences thereof as aforeſaid. THEREFORE, for avoiding all Diſputes concerning the Premiſes, and for rendering the Tax upon the Inhabitants of the ſaid City more eaſy and equitable, BE IT ENACTED by the Honourable *WILLIAM DENNY*, Eſq; Lieutenant-Governor under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and the Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Adviee and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by Authority of the ſame, That the Wardens of the City of *Philadelphia* for the Time being, ſhall be, and they are hereby authorized and impowered to aſſeſs and rate every Family, Houſholder and others, who ſhall and may, after the Publication of this Act, make Uſe of any of the Pumps in the Streets, Lanes or Alleys of the ſaid City, which are or hereafter ſhall be and become the Property of the Publick; and in every ſuch Aſſeſſment or Rate ſhall aſcertain and allot the Sum and Sums of Money which every ſuch Family, Houſholder or others ſhall pay yearly for the Uſe of the ſame, according to the beſt of their Skill, Knowledge and Diſcretion, having a due Regard to the Quantity of Water uſed out of the ſaid Pump or Pumps by the ſaid Family, Houſholder, or others reſpectively: PROVIDED the Sum or Sums, ſo as aforeſaid aſſeſſed and rated to any ſingle Family or Houſholder, do not exceed in the whole *Five Shillings per Annum*, for ſuch Families and Houſholders as have no Pumps of their own, and *Two Shillings and Six-pence per Annum*, for ſuch other Families and Houſholders as have Pumps upon their own Premiſes in good Order and Repair, yet nevertheleſs becauſe of the Goodneſs of the Water in the ſaid publick Pumps, may make Uſe of the ſame for ſome particular Occaſions at Times, and in ſmaller Quantities.

Wardens to aſſeſs ſuch Families &c. as make uſe of the publick Pumps.

And ſhall direct the Collector to levye the Sums aſſeſſed, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Wardens ſhall, and they are hereby authorized and enjoined, yearly, and as often as Occaſion may require, to order and cauſe their Clerk to make out true and fair Liſts or Duplicates of the Names of all and every Perſon and Perſons, who, as Heads of Families, Houſholders, or others, do make uſe of any of the Pumps as aforeſaid, with the Sum and Sums ſo as aforeſaid aſſeſſed and rated, with Directions under the Hands of four or more of the ſaid Wardens to the Collector or Collectors of the Tax to be annually levied by the herein before mentioned Act, requiring the ſaid Collector or Collectors to receive and collect of and from the Parties the reſpective Sums of Money wherewith they ſtand charged in the ſaid Liſts or Duplicates reſpectively, according to the Directions of this Act, AND in caſe any Perſon or Perſons ſhall neglect or refuſe to pay the ſame, according to the Rates and Sums in the ſaid Liſts or Duplicates

Duplicates ſo as aforeſaid charged, it ſhall and may be lawful to and for the ſaid Collector or Collectors, by Warrant under the Hands and Seals of any four or more of the ſaid Wardens, impowering them, to recover the ſame by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame. All which ſaid Sum or Sums of Money, ſo as aforeſaid collected and recovered, ſhall be added to the publick Stock, and ſhall be laid out and accounted for by the ſaid Wardens, as other the Monies ariſing by Virtue of the herein before mentioned Act, are directed to be laid out and accounted for, any Thing herein contained to the contrary notwithſtanding.

THIS Act to continue and be in Force, during the Continuance of the Act herein before mentioned, to which it is a Supplement, and no longer. Limitation.

Paſſed *January* 18th. 1757. Recorded A. Vol. 3 p. 374.

LX. *An* ACT *for the further Continuance of an Act of General Aſſembly of this Province, intituled,* "*An Act for the more eaſy Recovery of Legacies within this Province.*"

WHEREAS an Act of General-Aſſembly of this Province, intituled, "*An Act for the more eaſy Recovery of Legacies within this Province,*" paſſed in the Sixteenth Year of the preſent Reign, being by its own Limitation near expiring, by one other Act of Aſſembly, paſſed in the Twenty-third Year of the ſame Reign, was continued from thence for and during the Term of Seven Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer. AND WHEREAS it hath been found on Experience to be a neceſſary and beneficial Act, but the Term for which it was continued, by the Limitation therein contained, being now near expiring; THEREFORE, for preventing the Expiration of ſo uſeful a Law, BE IT ENACTED by the Honourable *WILLIAM DENNY*, Eſq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That the Act of Aſſembly aforeſaid, intituled, "*An Act for the more eaſy Recovery of Legacies within this Province,*" be, and the ſame Act is hereby further continued from the Time limited by the Act herein before mentioned, intituled, "*An Act for the Continuance of an Act of Aſſembly of this Province, intituled, An Act for the more eaſy Recovery of Legacies within this Province,*" for and during the Term of Seven Years, and from thence to the End of the next Sitting of Aſſembly, and no longer. Preamble. Limitation of this Act.

Paſſed *March* 17th. 1757. Recorded A. Vol. 4. p. 15.

LXI. *An* ACT *to render the Quartering of Soldiers on the Publick-houſes of this Province leſs burthenſome*

Paſſed *March* 17th. 1757. ----*Expired*---- Recorded A. Vol. 4. p. 16.

LXII. *An* ACT *for regulating the Hire of Carriages to be employed in his Majeſty's Service within the inhabited Parts of this Province.*

Paſſed *March* 17th. 1757. -----*Expired*---- Recorded A. Vol. 4. p. 18.

LXIII. *A SUPPLEMENT to the Act, intituled,* "*An* ACT *for granting the Sum of* Sixty Thouſand Pounds *to the King's Uſe, and for ſtriking* Fifty-five Thouſand Pounds *thereof in Bills of Credit, and to provide a Fund for ſinking the ſame,*" *and for granting to His Majeſty the additional Sum of* One Hundred Thouſand Pounds.

WHEREAS by an Act of General-Aſſembly of this Province, paſſed in the Twenty-ninth Year of the preſent Reign, intituled, "*An Act for granting the Sum of* Sixty Thouſand Pounds *to the King's Uſe; and for ſtriking* Fifty-five Thouſand Pounds *thereof in Bills of Credit, and to provide a Fund for ſinking the ſame,*" it was declared and enacted, That *Fifty-five Thouſand Pounds* in Bills of Credit, to be ſtruck by Virtue of the ſaid Act, ſhould be given to the King's Uſe; and that to ſink the ſame, there ſhould be levied on all Eſtates, Real and Perſonal, within this Province, of all and every Perſon and Perſons (the Eſtates of the Honourable *Thomas Penn*, and *Richard Penn*, Eſquires, Proprietaries of the Province of *Pennſylvania*, only excepted, in Conſideration of their free Gift therein after mentioned) the Sum of *Six-pence* for every *Pound*, clear Value of the ſaid Eſtates, yearly, for the Space of four Years, to be paid by the Owners or Poſſeſſors thereof; and that every ſingle Freeman, whether reſiding with his Parents or elſewhere, who at the Time of the Aſſeſſment ſhould be of the Age of Twenty-one Years, and had been out of his Apprenticeſhip or Servitude for the Space of ſix Months, and was not worth in Goods or Chattels *Thirty Pounds*, ſhould pay the Sum of *Ten Shillings*, except ſuch as then were, or thereafter ſhould be engaged in His Majeſty's Service. And whereas the ſaid Sum of *Sixty Thouſand Pounds* hath, in this Time of War, been found inſufficient for the Defence of this Province, and other Exigencies for His Majeſty's Service, during four Years, and the *Fifty-five Thouſand Pounds* ſtruck and iſſued by Virtue of the ſaid Act are expended, together with *Thirty Thouſand Pounds* ſince granted by an Exciſe on ſpirituos Liquors, and a farther Sum is now wanted for the Purpoſe aforeſaid; We the Repreſentatives of the Freemen of the Province of *Pennſylvania*, as a farther Teſtimony of the Loyalty and ſincere Affection of His Majeſty's dutiful Subjects in the ſaid Province, do hereby freely give and grant an additional Sum of *One Hundred Thouſand Pounds*, and do pray that it may be enacted; AND BE IT ENACTED by the Honourable *WILLIAM DENNY* Eſq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province Preamble.

vince of *Pennſylvania*, and the Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of ſaid Province in General Aſſembly met, and by the Authority of the ſame, That *One Hundred Thouſand Pounds*, by this Act to be raiſed, be given and granted to His Majeſty for the Defence of this Province, and other Purpoſes for His Majeſty's Service; and that *Forty-five Thouſand Pounds*, Part thereof, be ſtruck in Bills of Credit, to be iſſued and applied as herein after directed.

100,000 l. given to the King's Uſe.

AND, to the End the *Forty-five Thouſand Pounds*, in Bills ſo to be iſſued; may be duly ſunck and deſtroyed, BE IT FURTHER ENACTED by the Authority aforeſaid, That the Commiſſioners and Aſſeſſors of the reſpective Counties of this Province, in the ſeveral Rates and Aſſeſſments by them to be laid and collected, by Virtue of the ſaid Act, ſhall to every *Six-pence* in the *Pound* add *One Shilling*, and to every *Ten Shillings* per Head add *Ten Shillings*; and in every other Reſpect ſhall act and proceed in the ſame Manner as by the ſaid Act they are enjoined and directed.

Additional Tax of One Shilling to every Six-pence of the old Tax &c. to be laid and levied.

PROVIDED nevertheleſs, That if the Commiſſioners and Aſſeſſors of any of the Counties of this Province have already levied the ſaid *Six pence* in the *Pound*, and *Ten Shillings per* Head, for the firſt Year, as directed by the ſaid Act, they ſhall, and are hereby directed and enjoined to add to each Rate the Sum of *One Shilling* in the *Pound*, and *Ten Shillings per* Head on the laſt Aſſeſſment, and cauſe the ſame to be collected before they proceed to lay the ſecond Year's Tax, any Thing in this Act, or any other Act, to the contrary notwithſtanding.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Provincial Treaſurer ſhall, out of the Money paid into his Hands by Virtue of this and the ſaid Act, yearly, and every Year, for the Space of four Years next enſuing, pay into the Hands of the Truſtees of the General Loan-Office, for the Time being, over and beſides the Sum of *Thirteen Thouſand Seven Hundred and Fifty Pounds*, in Bills of Credit of this Province, by the ſaid Act directed, the further Sum of *Eleven Thouſand Two Hundred and Fifty Pounds*, in like Bills of Credit, which ſhall be burnt and deſtroyed in the ſame Manner, and at the ſame Times, as the ſaid firſt mentioned Sum of *Thirteen Thouſand Seven Hundred and Fifty Pounds* is directed to be burnt and deſtroyed. And out of the Reſidue of the Monies to come to his Hands, by Virtue of this and the aforeſaid Act, he ſhall, during four Years next enſuing, pay yearly to the Provincial Commiſſioners herein after named, the Sum of *Thirteen Thouſand Seven Hundred and Fifty Pounds*; which four yearly Payments, making in the whole *Fifty-five Thouſand Pounds*, will, with the *Forty-five Thouſand Pounds* herein directed to be ſtruck and iſſued, complete the *One Hundred Thouſand Pounds* hereby given and granted.

Sums to be paid yearly by the Provincial Treaſurer to the Truſtees and to the Provincial Commiſſioners.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Provincial Treaſurer, before his Entrance upon the Execution of the Duties enjoined him by this Act, ſhall become bound to the Governor, or Commander in Chief of this Province for the Time being, with one or more Sureties in an Obligation of *Five Thouſand Pounds*, conditioned for the true Obſervation of this Act, and the Duty which to the ſaid Office doth appertain.

AND the ſaid Provincial Treaſurer, for his Trouble in receiving and paying the Monies, and performing the Duties by this Act required, ſhall have and receive *Five Shillings* for every *Hundred Pounds*, and no more.

AND the ſaid Truſtees for their Trouble in receiving and ſinking the ſaid Bills, ſhall have and receive *Ten Shillings* for every *Hundred Pounds*, and no more.

AND INASMUCH as Money is immediatly wanted, to pay the four Months Arrears now due to the Provincial Forces, and for other Purpoſes for the King's Service, and the Taxes by this Act to be raiſed cannot ſuddenly produce the neceſſary Sums; BE IT FURTHER ENACTED by the Authority aforeſaid, That Bills of Credit, to the Value of *Forty-five Thouſand Pounds*, current Money of *America*, according to an Act of Parliament made in the Sixth Year of the Reign of the late Queen *Anne*, for aſcertaining the Rates of foreign Coins in the Plantations of *America*, ſhall be prepared and printed within one Month next after the paſſing of this Act, on good ſtrong Paper, under the Care and Direction of the Truſtees of the General Loan-Office for the Time being; which Bills ſhall be made and prepared in the Manner and Form following, and no other, *viz.*

45,000 l. to be ſtruck in Bills of Credit,

THIS Bill ſhall paſs current for ——— *within the Province of* Pennſylvania, *according to an Act of General Aſſembly of the ſaid Province, made in the Thirtieth Year of the Reign of King* GEORGE II. *Dated the Tenth Day of March, One Thouſand Seven Hundred and Fifty-ſeven.*

Their Form

AND the ſame Bills ſhall have ſuch like Eſcutcheons as in the Margin hereof, with ſuch other Devices on the ſaid Bills as the ſaid Truſtees ſhall think fit, as well to prevent Counterfeits, as to diſtinguiſh their ſeveral Denominations: Each of which Bills ſhall be of the ſeveral and reſpective Denominations following, and no other, *viz.*

EIGHTEEN Thouſand of the ſame Bills, the Sum of *Twenty Shillings* in each of them.

EIGHTEEN Thouſand of the ſame Bills, the Sum of *Fifteen Shillings* in each of them.

EIGHTEEN Thouſand of the ſame Bills, the Sum of *Ten Shillings* in each of them.

EIGHTEEN Thouſand of the ſame Bills, the Sum of *Five Shillings* in each of them.

Number and Denominations,

AND the Truſtees ſhall uſe the beſt of their Care, Attention and Diligence, during the printing of the ſaid Bills, that the Number and Amount thereof according to their reſpective Denominations aforeſaid, be not exceeded, nor any clandeſtine or fraudulent Practice uſed by the Printer, his Servants, or others concerned therein.

AND

AND for perfecting the ſaid Bills, to make them current within this Province, according to the true Intent and Meaning of this Act, BE IT FURTHER ENACTED by the Authority aforeſaid, That all and every of the ſaid Bills ſhall be ſigned by three of the Perſons hereafter named; that is to ſay, *Henry Harriſon*, *Peter Reeve*, *Joſeph Morris*, *William Morris*, junior, *Buckridge Sims*, *James Child*, *Stephen Carmick*, *Thomas Clifford*, *Thomas Bourne*, *John Swift*, *John Rhea*, *John Ord*, *Edward Duffield*, *Matthew Clarkſon*, *Thomas Say*, *Thomas Carpenter*, *Thomas Moore*, *James Wharton*, *John Hughes*, *John Lynn*, *Plunket Fleeſon*, *Samuel Howell*, *George Emlen*, and *Joſeph Hillborn*, who are hereby nominated and appointed to be Signers of the ſaid Bills, and ſhall, before they receive or ſign any of the ſaid Bills, take an Oath or Affirmation to the following Effect, *viz.* Signers Names.

THAT they ſhall well and truly ſign and number all the Bills of Credit that ſhall come to their Hands, for that Purpoſe, by the Direction of this Act; and theſame ſo ſigned and numbered, will deliver, or cauſe to be delivered, unto the Truſtees of the General Loan-Office of the Province of Pennſylvania, *purſuant to the Direction of this Act.* Qualification.

And for avoiding the Danger of Embezzlement or Miſapplication of any of the ſaid Bills of Credit, it is hereby further ENACTED, ORDAINED, and PROVIDED, That the ſaid Truſtees, after the ſaid Bills are printed, ſhall deliver them to the ſaid Signers, to be ſigned and numbered by Parcels; for which the ſaid Signers, or ſome of them, ſhall give their Receipt; that is to ſay, *One Thouſand Pounds* Value in the ſaid Bills at one Time; and ſo from Time to Time until all the ſaid Bills of Credit ſhall be ſigned and numbered: Of all which Bills of Credit ſo delivered to be ſigned by the Truſtees, true Accounts ſhall be kept by the Signers, who, upon their Re-delivery of each, or any Parcel of the ſaid Bills of Credit by them ſigned and numbered to the Truſtees of the General Loan-Office, ſhall take the Receipt of the ſaid Truſtees, to charge them before any Committee of the Aſſembly to be appointed for that Purpoſe.

AND each of the Signers ſhall have *Fifteen Shillings* for every Thouſand of the aforeſaid Bills by them ſigned and numbered, to be paid by the Provincial Treaſurer out of the firſt Money that ſhall come to his Hands by Virtue of this Act. And if any of the Perſons before nominated to be Signers ſhall happen to die, neglect or refuſe, or be rendered incapable of doing his or their Duty by this Act required, the Aſſembly for the Time being ſhall or may appoint ſome other Perſon or Perſons in his or their Stead, from Time to Time, until all the Bills hereby directed to be made be wholly ſigned and numbered as aforeſaid. Allowance.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all the aforeſaid Bills of Credit, to be made as this Act directs, ſhall be current Bills of this Province until the tenth Day of *March*, in the Year One Thouſand Seven Hundred and Sixty-one, and no longer. And as ſuch, during the ſaid Term, be received in Payments for the Diſcharge of all Manner of Debts, Rents, Sum and Sums of Money whatſoever, due, payable, or accruing upon, or by Reaſon of any Mortgage, Bill, Bond, Specialty, Note, Book-Account, Promiſe, or other Contract or Cauſe whatſoever, as if the ſame were tendered or paid in the Coins mentioned in ſuch Bond or other Writing, Book-Account, Promiſe, Aſſumption, or any other Contract or Cauſe whatſoever, and at the Rates aſcertained in the ſaid Act of Parliament, and ſhall be ſo received in all Payments by all Perſons whatſoever. The Bills to be current till the tenth of March, 1761.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon or Perſons ſhall preſume to counterfeit any of the ſaid Bills of Credit made current by this Act, by printing, or procuring the ſame to be printed in the Likeneſs of the ſaid genuine Bills of Credit; and alſo, if any Perſon or Perſons ſhall forge the Name or Names of the Signers of the true Bills of Credit to ſuch counterfeit Bills, whether the Counterfeiting of the ſaid Bills or Names be done within this Province or elſewhere, or ſhall utter ſuch Bills, knowing them to be ſo counterfeited as aforeſaid; and being thereof legally convicted, by Confeſſion, ſtanding mute, or by the Verdict of twelve Men, in any Court of Record within this Province, he, ſhe or they, ſhall ſuffer Death, without Benefit of the Clergy. And the Diſcoverer or Informer ſhall have, as an Encouragement for his Diſcovery, the Sum of *Fifty Pounds*, of the Goods and Chattels, Lands and Tenements, of the Perſon convicted; and if no ſuch Goods and Chattels can be found, then the Treaſurer ſhall pay to ſuch Informer or Diſcoverer, his Executors, Adminiſtrators, or Aſſigns, the Sum of *Ten Pounds*. And if any Perſon or Perſons ſhall counterfeit any of the ſaid Bills of Credit of this Province, by altering the Denomination of the ſaid Bills, with Deſign to increaſe the Value of ſuch Bills, or ſhall utter ſuch Bills, knowing them to be ſo counterfeited or altered as aforeſaid, and ſhall thereof be legally convicted in any Court of Record in this Province, ſuch Perſon or Perſons ſhall be ſentenced to the Pillory, and to have both his or her Ears cut off, and nailed to the Pillory, and to be publickly whipt on his or her bare Back with Thirty-one Laſhes well laid on: And moreover, every ſuch Offender ſhall forfeit the Sum of *One Hundred Pounds*, lawful Money of *Pennſylvania*, to be levied on his or her Lands and Tenements, Goods and Chattles, the one Half to the Uſe of the Governor, and the other Half to the Diſcoverer; and the Offender ſhall pay to the Party grieved double the Value of the Damages thereby ſuſtained, together with the Coſts and Charges of Proſecution. And in caſe the Offender hath not ſufficient to ſatisfy the Diſcoverer for his or her Damages and Charges, and pay the Forfeiture aforeſaid; in ſuch Caſe the Offender ſhall, by Order of the Court where he or ſhe was convicted, be ſold for any Term, not exceeding ſeven Years, for Satisfaction; and in ſuch Caſe the ſaid Treaſurer ſhall reward the Diſcoverer of ſuch inſolvent Offender to the Value of *Five Pounds*. And every ſuch Counterfeit Bill ſhall be delivered to the ſaid Treaſurer, to be made uſe of upon the Trial of the Perſon accuſed or ſuſpected, and afterwards to be burnt and deſtroyed by the ſaid Treaſurer, in the Preſence of a Committee of Aſſembly. Puniſhment of Counterfeiters and Alterers, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That *Lyn-Ford Lardner*, *John Mifflin*, *Joſeph Fox*, *John Hughes*, *William Maſters*, *Joſeph Galloway*, and *John Baynton*, Eſquires, or the Appointment of Commiſſioners,

the major Part of them, or of the Survivors of them, with the Conſent and Approbation of the Governor or Commander in Chief of this Province for the Time being, and not otherwiſe, ſhall order and appoint the Diſpoſition of the Sum of *One Hundred Thouſand Pounds*, ariſing by Virtue of this Act, for and towards the Supporting Eleven Hundred Men, Officers included, to be employed as ranging Companies on the Frontiers of this Province, and for making Incurſions upon the Enemy; and Three Hundred Men to remain in Garriſon; and for building, equipping and maintaining a Veſſel of War for the Protection of Trade, and for other Purpoſes for his Majeſty's Service. And the Orders or Receipts of the ſaid *Lyn-Ford Lardner*, *John Mifflin*, *Joſeph Fox*, *John Hughes*, *William Maſters*, *Joſeph Galloway*, and *John Baynton*, or of a Majority of them, or of the Survivors of them, to the Truſtees of the General Loan-Office, for the *Forty-five Thouſand Pounds*, in new Bills of Credit, by this Act directed to be printed, and to the Provincial Treaſurer for the *Fifty-five Thouſand Pounds* he is to pay them out of the Taxes to be levied by Virtue of this Act, ſhall diſcharge them and him reſpectively of ſo much of the ſaid Sums of *Forty-five Thouſand Pounds*, and *Fifty-five Thouſand Pounds*, as may be in ſuch Receipts expreſſed; and ſuch Receipts ſhall be produced to the Committees of Aſſembly, for the Time being, appointed or to be appointed for auditing the publick Accounts, and be by them allowed in the Settlement of the Accounts of the ſaid Truſtees and Treaſurer. And the ſaid Commiſſioners, for their Trouble in diſcharging the Duties of Commiſſioners hereby required, ſhall have and receive *One per Centum* on the whole Sum of the Orders by them drawn, and no more.

Truſtees impowered to pay Debts contracted by the Commiſſioners named in the Exciſe Act.

AND whereas the Commiſſioners nominated and appointed by an Act of General Aſſembly of this Province, intituled, "*An Act for ſtriking the Sum of* Thirty Thouſand Pounds *in Bills of Credit, and giving the ſame to the King's Uſe, and for providing a Fund to ſink the Bills ſo to be emitted, by laying an Exciſe on Wine, Rum, Brandy and other Spirits*," have, with the Conſent of the Governor, already expended the ſaid Sum of *Thirty Thouſand Pounds*, and have entered into Contracts for the King's Service, in the Defence of this Province, for the Defraying whereof there are at preſent no ſubſiſting Funds; Therefore, BE IT ENACTED by the Authority aforeſaid, That the Truſtees of the General Loan-Office ſhall, and they are hereby authorized and impowered, out of the Monies ariſing by Virtue of this Act, to pay and diſcharge all ſuch Debts and Contracts as the Commiſſioners, appointed by the Act herein before mentioned for granting *Thirty Thouſand Pounds* to the King's Uſe ſhall certify under their Hands, or the Hands of the major Part of them, to be Debts juſtly due, and Contracts entered into for the King's Service, and properly chargeable to this Province.

Proviſo in caſe of Deficiency or Overplus.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if the additional yearly Tax hereby to be laid and levied of *One Shilling* in the *Pound*, and *Ten Shillings per* Head, ſhall not be ſufficient in four Years to ſink the *Forty-five Thouſand Pounds* hereby to be iſſued, and pay the *Fifty-five Thouſand Pounds* as herein before directed, and defray all incident Charges, in ſuch Caſe, the ſame additional Tax ſhall be continued in the next ſucceeding Year or Years, till the aforeſaid Sums are fully compleated: And if the ſaid additional Tax ſhall produce more than the ſaid Sums, the incident Charges as aforeſaid being defrayed, the Overplus ſhall be diſpoſed of in ſuch Manner as by Act of General Aſſembly of this Province ſhall be hereafter ordered and directed.

Paſſed *March* 23d, 1757. Recorded A. Vol. 4. p. 21.

LXIV. *An* ACT *for ſtriking the Sum of* Fifty-five Thouſand Pounds, *the Remainder of the Sum of* One Hundred Thouſand Pounds *granted by this Aſſembly to the King's Uſe: and for making the ſame current within this Province.*

Preamble.

WHEREAS, by an Act paſſed in the Thirtieth Year of the preſent Reign, intituled, "*A Supplement to the Act, intituled, An Act for granting* Sixty Thouſand Pounds, *to the King's Uſe, and for ſtriking* Fifty-five Thouſand Pounds *thereof in Bills of Credit, and to provide a Fund for ſinking the ſame, and for granting to His Majeſty the additional Sum of* One Hundred Thouſand Pounds," amongſt other Things it was provided and enacted, that the Sum of *Forty-five Thouſand Pounds*, Part of the ſaid Sum of *One Hundred Thouſand Pounds*, ſhould be ſtruck in Paper Bills of Credit, and made current within this Province. AND WHEREAS the ſaid Sum of *Forty-five Thouſand Pounds* is nearly expended by the Commiſſioners, with the Aſſent of the Governor, and the *Fifty-five Thouſand Pounds*, directed to be paid into the Hands of the Provincial Treaſurer in four yearly Payments, from the Tax impoſed by the ſaid Act on the ſeveral Counties within this Province, and by him to be paid to the Commiſſioners therein named, for the Uſes in the ſaid Act directed and appointed, will be wanted for the Payment of the Troops, and other neceſſary Expences of the Government, before the ſaid Tax, or any Part thereof, can be levied and collected:

55,000l. to be ſtruck in Bills of Credit.

THEREFORE BE IT ENACTED by the Honourable *WILLIAM DENNY*, Eſq; Lieutenant-Governor under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of ſaid Province in General-Aſſembly met, and by the Authority of the ſame, That Bills of Credit, of the Value of *Fifty-five Thouſand Pounds*, lawful Money of *America*, according to an Act of Parliament made in the Sixth Year of the Reign of the late Queen *Anne*, for aſcertaining the Rates of foreign Coins in the Plantations in *America*, ſhall, within one Month next after paſſing this Act, be prepared and printed on good ſtrong Paper, under the Care and Direction of the Truſtees of the General Loan Office aforeſaid, the Charge whereof ſhall be paid by the Province in the Manner the other Charges are directed to be paid by the Act intituled, "*A Supplement to an Act for granting the Sum of* Sixty Thouſand Pounds *to the King's Uſe, and for ſtriking* Fifty-five Thouſand Pounds *thereof in Bills of Credit, and to provide a Fund for ſinking the ſame, and for granting*

" *ing to His Majeſty the additional Sum of* One Hundred Thouſand Pounds;" which Bills ſhall be made and prepared in Manner and Form following, and no other, *that is to ſay:*

THIS *Bill ſhall paſs current for within the Province of* Pennſylvania, *according to an Act of Aſſembly, made in the Thirtieth Year of the Reign of King* GEORGE *the Second. Dated the Firſt Day of* July, *One Thouſand Seven Hundred and Fifty-ſeven.* Form.

AND the ſame Bills ſhall have ſuch like Eſcutcheons as in the Margin hereof, with ſuch other Devices on the ſaid Bills as the ſaid Truſtees ſhall think fit, as well to prevent Counterfeits, as to diſtinguiſh their ſeveral Denominations: Each of which Bills ſhall be of the ſeveral and reſpective Denominations following, and no other, *viz.*

TWENTY-TWO Thouſand of the ſame Bills, the Sum of *Twenty Shillings* in each of them.
TWENTY-TWO Thouſand of the ſame Bills, the Sum of *Fifteen Shillings* in each of them.
TWENTY-TWO Thouſand of the ſame Bills, the Sum of *Ten Shillings* in each of them.
TWENTY-TWO Thouſand of the ſame Bills, the Sum of *Five Shillings* in each of them. Number and Denominations thereof.

AND the ſaid Truſtees ſhall uſe the beſt of their Care, Attention and Diligence, during the Printing of the ſaid Bills, that the Number and Amount thereof, according to their reſpective Denominations aforeſaid, be not exceeded, nor any clandeſtine or fraudulent Practice be uſed by the ſaid Printer, his Servants, or Perſons concerned therein.

AND for the perfecting the ſaid Bills, to make them current within the Province, according to the true Intent and Meaning of this Act, BE IT FURTHER ENACTED by the Authority aforeſaid, That all and every of the ſaid Bills ſhall be ſigned by the Perſons following, or any three of them, *viz. Joſeph Morris, Charles Thompſon, Henry Harriſon, Charles Meredith, John Ord, Thomas Clifford, Joſeph Richardſon, Thomas Wharton, Edward Pennington, Charles Jones, Joſeph Redman, Thomas Davis, Richard Wiſtar, Thomas Gordon, Joſeph Hillborn, William Morris junior, Francis Rawle, Samuel Burge, Evan Morgan, William Fiſher, Thomas Say, John Lynn, James Humphreys, Joſeph Stretch,* and *Plunket Fleeſon,* who are hereby nominated and appointed to be Signers of the ſaid Bills, and ſhall, before they receive or ſign any of the ſaid Bills of Credit, take an Oath or Affirmation to the following Effect, *viz.* Signers Names.

THAT they ſhall well and truly ſign and number all the Bills of Credit that ſhall come to their hands for that Purpoſe, by the Direction of this Act, and the ſame ſo ſigned and numbered, will deliver, or cauſe to be delivered, unto the Truſtees of the General Loan-Office of the Province of Pennſylvania, *purſuant to the Direction of this Act.* Their Qualification.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Truſtees, after the ſaid Bills are printed ſhall deliver them to the ſaid Signers, to be ſigned and numbered by Parcels; for which the ſaid Signers, or ſome of them, ſhall give their Receipt: Of all which Bills of Credit ſo delivered to be ſigned by the Truſtees, true Accounts ſhall be kept by the Signers, who, upon the Re-delivery of each, or any Parcel of the ſaid Bills of Credit by them ſigned and numbered to the Truſtees of the General Loan-Office, ſhall take the Receipt of the ſaid Truſtees, to charge them before any Committee of Aſſembly to be appointed for that Purpoſe.

AND the ſaid Signers ſhall have *Fifteen Shillings* a Piece for every Thouſand of the aforeſaid Bills by them reſpectively ſigned and numbered, to be paid by the Province in the Manner directed for defraying the other Charges ariſing by Virtue of the Act herein before mentioned.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all the aforeſaid Bills of Credit, to be made as this Act directs, ſhall be current Bills of this Province until the tenth Day of *March,* in the Year One Thouſand Seven Hundred and Sixty-one, and no longer. And as ſuch ſhall, during the ſaid Term, be received in Payment for the Diſcharge of all Manner of Debts, Rents, Sum and Sums of Money whatſoever, due, payable, or accruing upon any, or by Reaſon of any Mortgage, Bill, Bond, Specialty, Note, Book-Account, Promiſe, or other Contract or Cauſe whatſoever, as if the ſame were tendered or paid in the Coins mentioned in ſuch Bond or other Writing, Book-Account, Promiſe, Aſſumption, or any other Contract or Cauſe whatſoever, and at the Rates aſcertained in the ſaid Act of Parliament, and ſhall be ſo received in all Payments by all Perſons whatſoever. The Bills to be current till the tenth of March, 1761.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon or Perſons ſhall preſume to counterfeit any of the ſaid Bills of Credit made current by this Act, by printing, or procuring the ſame to be printed in the Likeneſs of the ſaid genuine Bills of Credit; and alſo, if any Perſon or Perſons ſhall forge the Name or Names of the Signers of the true Bills of Credit to ſuch counterfeit Bills, whether the Counterfeiting of the ſaid Bills or Names be done within this Province or elſewhere, or ſhall utter ſuch Bills, knowing them to be ſo counterfeited as aforeſaid; and being thereof legally convicted, by Confeſſion, ſtanding mute, or by the Verdict of twelve Men, in any Court of Record within this Province, he, ſhe or they, ſhall ſuffer Death, without Benefit of Clergy. And the Diſcoverer or Informer ſhall have, as an Encouragement for his Diſcovery, the Sum of *Fifty Pounds,* of the Goods and Chattels, Lands and Tenements, of the Perſon convicted; and if no ſuch Goods and Chattels can be found, then the Treaſurer ſhall pay to ſuch Informer or Diſcoverer, his Executors, Adminiſtrators, or Aſſigns, the Sum of *Ten Pounds.* And if any Perſon or Perſons ſhall counterfeit any of the ſaid Bills of Credit of this Province, by altering the Denomination of the ſaid Bills, with Deſign to increaſe the Value of ſuch Bills, or ſhall utter ſuch Bills, knowing them to be ſo counterfeited or altered; Puniſhment of Counterfeiters and Alterers, &c.

ed as aforesaid, and shall thereof be legally convicted in any Court of Record in this Province, such Person or Persons shall be sentenced to the Pillory, and to have both his or her Ears cut off, and nailed to the Pillory, and to be publickly whipped on his or her bare Back with Thirty-one Lashes well laid on: And moreover, every such Offender shall forfeit the Sum of *One Hundred Pounds*, lawful Money of *Pennsylvania*, to be levied on his and her Lands and Tenements, Goods and Chattles, the one Half to the Use of the Governor, and the other Half to the Discoverer; and the Offender shall pay to the Party grieved double the Value of the Damages thereby sustained, together with the Costs and Charges of Prosecution. And in case the Offender hath not sufficient to satisfy the Discoverer for his or her Damages and Charges, and pay the Forfeiture aforesaid; in such Case the Offender shall, by Order of the Court where he or she was convicted, be sold for any Term, not exceeding seven Years, for Satisfaction; and in such Case the said Treasurer shall reward the Discoverer of such insolvent Offender to the Value of *Five Pounds*. And every such Counterfeit Bill shall be delivered to the said Treasurer, to be made use of upon the Trial of the Person accused or suspected, and afterwards to be burnt and destroyed by the said Treasurer, in the Presence of a Committee of Assembly.

Penalty on Commissioners or Assessors refusing to act.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that if the Commissioners or Assessors shall refuse or neglect to perform and discharge the Duties required of them by the Act herein before mentioned, intituled, "A *Supplement to the Act, intituled, An Act for granting* Sixty Thousand Pounds *to the King's Use, and for striking* Fifty-five Thousand Pounds *thereof in Bills of Credit, and to provide a Fund for sinking the same, and for granting to his Majesty the additional Sum of* One Hundred Thousand Pounds," each and every of the said Commissioners or Assessors so refusing, shall forfeit and pay to the Provincial Treasurer the Sum of *Fifty Pounds*. And the Commissioner or Commissioners and Assessors who shall act, or a Majority of them, shall appoint some other fit Person or Persons in the Place or Stead of such as shall refuse to act as aforesaid. And every Collector or Collectors who shall neglect or refuse to take upon him or themselves the Trust and Duty required of him or them by the said Act, he or they so refusing or neglecting shall forfeit and pay to the County Treasurer the Sum of *Twenty Pounds* each, and the Commissioners shall appoint some other fit Person or Persons in the Place or Stead of the Collector or Collectors so refusing or neglecting as aforesaid; all which said Fines and Forfeitures shall be levied as in the Act for raising County Rates and Levies is directed, and shall be added to the publick Provincial Stock.

On Collectors.

Repeal of a Clause in the 60,000l. Act.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Clause in the herein before mentioned Act of Assembly, intituled, "*A Supplement to the Act, intituled, An Act for granting* Sixty Thousand Pounds *to the King's Use, and for striking* Fifty-five Thousand Pounds *thereof in Bills of Credit, and to provide a Fund for sinking the same, and for granting to his Majesty the additional Sum of* One Hundred Thousand Pounds," enacting, that the Provincial Treasurer shall yearly pay to the Provincial Commissioners therein named, the Sum of *Thirteen Thousand Seven Hundred and Fifty Pounds*, in four yearly Payments, making in the Whole *Fifty-five Thousand Pounds*, shall be, and is hereby declared to be null, void, and of none Effect; but that the four yearly Payments, and every Part thereof, shall be paid into the Hands of the Trustees of the General Loan-Office, to be sunk by them in the Manner the Sum of *Forty-five Thousand Pounds* in Bills of Credit, the Residue of the *One Hundred Thousand Pounds* granted to the King's Use, in and by the said Act is directed to be sunk and destroyed, any Thing in the said herein before in Part recited Act to the contrary notwithstanding.

Trustees Allowance.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Trustees, for their Trouble in receiving and sinking the said Bills, shall have and receive *Ten Shillings for every Hundred Pounds*, and no more, to be paid in the Manner herein before directed for the Payment of other the Charges accruing by Virtue of this Act.

Passed *June* 17th, 1757. Recorded A. Vol. 4. p. 26.

LXV. *An* ACT *impowering the Governor to discharge his Part of the Operations of this Campaign, stipulated in Behalf of this Province, between his Excellency* John *Earl of* Loudoun, *and the Governors of the Southern Colonies.*

Passed *June* 18th, 1757. ---*Obsolete.*--- Recorded A. Vol p. 4. 32.

XXXI. GEO. II.

LXVI. *An* ACT *to enable the Governor to draw out and march One Thousand Men, Part of the Troops of this Province, or the like Number of Volunteers, to be raised for the Assistance of the Province of* New-York.

Passed *August* 19th, 1757. ---*Obsolete.*--- Recorded A. Vol. 4. p. 34.

LXVII. *A* SUPPLEMENT *to an Act intituled, An Act for binding out and settling such of the Inhabitants of* Nova-Scotia, *imported into this Province, as are under Age, and for maintaining the Aged, Sick and Maimed, at the Charge of the Province.*"

Preamble.

WHEREAS the said Act intituled, "*An* ACT *for binding out and settling such of the Inhabitants of* Nova-Scotia, *imported into this Province, as are under Age, and for maintaining the Aged, Sick and Maimed, at the Charge of the Province,*" orders and directs the Overseers of the Poor of the several Townships in this Province to provide for, and maintain, such of the late Inhabitants of *Nova-Scotia* as by Reason of Age, Impotence, or any bodily Sickness and Infirmity, are rendered incapable to provide for themselves; but is defective in not pointing out and directing the Method by which the Expence and Charge of such Supporting and Maintainance should be paid and defrayed.

AND

AND WHEREAS the Overſeers of the Poor of the ſaid ſeveral Townſhips have, from time to time, laid out and expended conſiderable Sums of their own proper Monies, and have ſtaked their Credit for other Sums for the Purpoſes aforeſaid, which yet remain undiſcharged and not ſatisfied; and have of late neglected and refuſed to afford them, the ſaid Inhabitants of *Nova-Scotia*, the uſual Subſiſtance, whereby many of them are in the moſt neceſſitous and diſtreſſing Circumſtances, and likely to periſh for want of the neceſſary Relief: For remedying whereof, BE IT ENACTED by the Honourable *WILLIAM DENNY*, Eſq; Lieutenant Governor under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That it ſhall and may be lawful, and the Commiſſioners, or a Majority of them, nominated and appointed by the Act intituled, "*A Supplement to the Act intituled, An Act for granting the Sum of* Sixty Thouſand Pounds *to the King's Uſe, and for ſtriking* Fifty-five Thouſand Pounds *thereof in Bills of Credit, and to provide a Fund for ſinking the ſame, and for granting to his Majeſty the additional Sum of* One Hundred Thouſand Pounds," are hereby enjoined and required to ſettle and adjuſt the Accounts of the ſaid Overſeers of the Poor in whoſe Townſhips the ſaid Inhabitants of *Nova-Scotia* are or have been diſperſed, and when ſettled to allow the ſame; and for the Payment and Diſcharge thereof, to draw an Order or Orders on the Truſtees of the General Loan-Office of this Province: Which Order or Orders the ſaid Truſtees are hereby enjoined and required forthwith to pay and diſcharge, out of the ſaid Sum of *One Hundred Thouſand Pounds* granted to his Majeſty's Uſe as aforeſaid.

Provincial Commiſſioners to ſettle the Overſeers Accounts, and order Payment thereof.

AND BE IT ENACTED by the Authority aforeſaid, That in caſe any of the ſaid Inhabitants of *Nova-Scotia*, that are under Age, ſhould be bound out to any Trades or Occupations, and before the Expiration of their reſpective Indentures the ſaid Inhabitants of *Nova-Scotia*, by any Order, Direction, or Act of Government, ſhould be ſent for, carried or tranſported out of this Government, then, and in ſuch Caſe, the ſaid Minors or Perſons under Age ſhall be, and are hereby declared to be freed and diſcharged of and from the Covenants in the ſaid Indentures reſpectively contained, and from the Service and Employment of their reſpective Maſters and Miſtreſſes; and their ſaid ſeveral Maſters and Miſtreſſes, in ſuch Caſe, ſhall be paid, at the Expence of the Publick, a reaſonable Conſideration for the reſpective Apprentices ſo as aforeſaid diſcharged from their Services.

Proviſo in caſe the Nova-Scotians ſhould be tranſported out of this Province.

Paſſed *Sept.* 27th, 1757. Recorded A. Vol. 4. p. 37.

LXVIII. *An* ACT *to enable* Richard Hill, *and* Samuel Preſton Moore, *and* Hannah *his Wife, to comply with, eſtabliſh, ratify and confirm certain Agreements, made between the ſaid* Samuel Preſton Moore, *and* Richard Hill, *late of the City of* Philadelphia, *jointly, of the one Part, and divers other Perſons of the other Part: And alſo between the ſaid* Richard Hill *deceaſed, ſeparately, of the one Part, and divers other Perſons of the other Part; which were entered into by them in the Life-time of the ſaid* Richard Hill *deceaſed, ſome of whoſe Heirs and Deviſees are under Age.*

BE IT ENACTED by the Honourable *WILLIAM DENNY*, Eſq; Lieutenant Governor under the Honourable THOMAS PENN and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and the Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That it ſhall and may be lawful to and for the ſaid *Richard Hill* the Father, and *Samuel Preſton Moore*, and *Hannah* his Wife, at any Time or Times after the Publication of this Act, during the Minority of them the ſaid Deviſees, or any of them and until the youngeſt of them ſhall attain the Age of Twenty-one Years, by their Deed or Deeds, Indenture or Indentures, to grant, bargain, ſell, alien, ratify and confirm, the ſaid ſeveral and reſpective Tracts of Land, and Lots of Ground, together with all and ſingular their reſpective Rights, Members and Appurtenances unto the ſaid reſpective Purchaſers, their Heirs and Aſſigns, for ever, TO HAVE AND TO HOLD to them the ſaid ſeveral and reſpective Purchaſers, their Heirs and Aſſigns, for ever, they performing the Conditions, and YIELDING and PAYING, yearly and every Year, the Rents in their reſpective Articles particularly mentioned, according to the true Intent, Purport and Meaning of the ſaid Articles of Agreement.

The enacting Clauſe.

Paſſed *Sept.* 27th, 1757. Recorded A. Vol. 4. p. 39.

LXIX. *An* ACT *for preventing Abuſes in the* Indian *Trade, for ſupplying the* Indians, *Friends and Allies of* Great-Britain, *with Goods at more eaſy Rates, and for ſecuring and ſtrengthening the Peace and Friendſhip lately concluded with the* Indians *inhabiting the Northern and Weſtern Frontiers of this Province.* A. D. 1758.

WHEREAS the Indians, living and hunting near the Weſtern and Northern Frontiers of this Province, have earneſtly requeſted that this Government would regulate the Trade with them, prevent Abuſes therein, and provide that they may be furniſhed with a Sufficiency of the neceſſary Goods, by honeſt, prudent and ſober Men, at reaſonable Rates; and that Miniſters of the Goſpel, Schoolmaſters, and other ſober and virtuous Men may be ſent among them, to civilize and inſtruct them in the Chriſtian Religion; the granting of which Requeſt may not only be productive of much Good to theſe poor

Preamble.

poor People, but tend to ſtrengthen and ſecure the Peace and Friendſhip lately concluded between them, and the *Engliſh*, and induce other and more diſtant Nations to ſeek our Alliance, withdraw themſelves from the *French*, and effectually ſecure their Affections to the *Britiſh* Intereſt, and open a Trade with us to the great Advantage and better Security of theſe Colonies, and encreaſing the Demand for the Manufactures of *Great-Britain*. AND whereas by encouraging Miniſters of the Goſpel, Schoolmaſters, and other prudent and virtuous Men, to reſide among the Indians, and learn their Language and Cuſtoms, they may be civilized and inſtructed in the Chriſtian Religion, and this Government may from Time to Time be ſupplied with faithful Interpreters and Agents for the Management of publick Affairs with thoſe People, from whence many Advantages may ariſe both to them and to us. AND whereas it is abſolutely neceſſary, in order to effectuate the good Purpoſes aforeſaid, and prevent the Abuſes complained of, that the Indian Trade, and the Power and Liberty of ſupplying the Natives with Goods, Wares and Merchandizes, ſhould be taken into the Hands of the Government in the Manner herein after directed, BE IT THEREFORE ENACTED by the Honourable *WILLIAM DENNY*, Eſq; Lieutenant Governor under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That *Edward Pennington*, *William Fiſher*, *John Reynell*, *Joſeph Richardſon*, *William Weſt*, *Joſeph Morris*, *Amos Strettell*, *Thomas Willing*, and *James Child*, ſhall be, and are hereby nominated and appointed Commiſſioners for Indian Affairs, which ſaid Commiſſioners, or a Majority of them, or of the Survivors of them, ſhall have full Power and Authority, to do, execute and perform the ſeveral Duties and Things enjoined and required of them by Virtue of this Act, during the Continuance thereof, any Thing herein contained to the contrary notwithſtanding; and ſhall once in every Year adjuſt and ſettle their Accounts with the Aſſembly of this Province for the Time being, and ſhall be allowed for their Trouble *One and a Quarter per Centum* on the Purchaſe of the Goods, and *One and a Quarter per Centum* on the Sales of the Returns, and no more. And that there ſhall be for each particular Place appointed by the ſaid Commiſſioners for carrying on the Trade aforeſaid, as often as there may be Occaſion during the Continuance of this Act, three ſuitable Perſons nominated and recommended for Agents by the ſaid Commiſſioners for Indian Affairs, and returned in Writing, under the Hands and Seals of the ſaid Commiſſioners, to the Governor for the Time being, for his Approbation and Commiſſion: And if the ſaid Governor will not, within five Days next after ſuch Return, commiſſionate one of them ſo nominated and returned, the Perſon firſt named in the Return ſhall be the Agent, and ſerve in that Office, without any further or other Commiſſion. And in caſe any Agent or Agents, choſen and commiſſionated by Virtue of this Act, ſhould refuſe to ſerve, die, be removed by the Commiſſioners for Misbehaviour, or ſurrender up their ſaid Truſt and Office, the ſaid Commiſſioners ſhall in like Manner proceed to chuſe three more ſuitable Perſons to ſupply his Place, and return them in Manner aforeſaid to the Governor for the Time being for his Approbation; and if the Governor will not, within five Days next after ſuch Return, commiſſionate one of them ſo nominated and returned, the Perſon firſt named in the Return ſhall be the Agent, and ſerve in that Office, without any further or other Commiſſion: Which Agent or Agents ſhall reſide in ſuch Fort or Forts, Place or Places, as he or they from time to time ſhall be directed and inſtructed by the Governor and Commander in Chief of this Province, by and with the Approbation of the ſaid Commiſſioners for Indian Affairs, or a Majority of them, or the Survivors of them; which ſaid Commiſſioners, or a Majority of them, or of the Survivors of them, ſhall conſtantly furniſh and ſupply them the ſaid Agents with an Aſſortment of Indian Goods, which they the ſaid Agents ſhall exchange and barter with the Indians for their Peltry, at ſuch Rates as ſhall be from time to time ſettled and directed by the ſaid Commiſſioners for Indian Affairs: And the ſaid Agent or Agents, ſo choſen and appointed as aforeſaid, ſhall in all his or their Tranſactions and Dealings with the Indians in the Way of Trade or Barter, conduct him, or themſelves according to the Directions of this Act, and ſuch Inſtructions conſiſtent therewith, as he or they ſhall receive from the Commiſſioners aforeſaid for Indian Affairs; which Commiſſioners ſhall, with ſuch Sums as ſhall be granted and appropriated for that Purpoſe, purchaſe from the Importers, or import, as ſhall be moſt conductive to the Benefit of the ſaid Trade, and ſend out to the ſaid Agent or Agents the neceſſary Aſſortment of Goods and Merchandizes for carrying on the Indian Trade and ſhall receive the Peltry that ſhall be ſent in as Returns for the ſame, and ſell or diſpoſe thereof by themſelves, or ſuch other Perſons as they ſhall appoint, in Lots, by Way of publick Auction or Vendue, in the City of *Philadelphia*, or in ſuch other Place as they ſhall think proper within this Province, to the higheſt Bidders, any Law, Uſage or Cuſtom to the contrary in anywiſe notwithſtanding; giving at leaſt ten Days Notice in the publick News-Papers of ſuch Sale, together with the particular Aſſortments and Quantities thereof, and the Time and Place where the ſaid Auction or Vendue is to be held; in which Purchaſes and Sales, they ſhall uſe their utmoſt Care, Circumſpection and Diligence, for the publick Intereſt.

Appointment of Comiſſioners for Indian Affairs.

Their Allowance.

Agents nominated by them to be confirmed by the Governer.

Their Place of Reſidence to be ordered by the Governor and Commiſſioners.

Commiſſioners and Agents Duties.

Comiſſioners to trade with the Indians for the Account of the Province only.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Commiſſioners, or any, or either of them, ſhall not directly or indirectly buy, ſell, barter, exchange or trade, with any Indian or Indians on his or their own Account, or on the Account of any other Perſon or Perſons whatſoever, nor ſuffer any Perſon under his or their Direction ſo to do, during the Continuance of this Act, but for the Account of the Province only, and in the Manner directed by this Act, under the Penalty of *One Hundred Pounds* for every ſuch Offence, to be recovered in the ſame Manner the other Fines and Penalties inflicted by Virtue of this Act are directed to be recovered, one Half thereof to the Informer, or the Perſon that ſhall ſue for the ſame; and the other Half Part to be applied to the Uſes of the ſaid Indian Trade.

AND whereas the Commiſſioners appointed by an Act intituled, "*A Supplement to the Act intituled, "An Act for granting the Sum of* Sixty Thouſand Pounds *to the King's Uſe, and for ſtriking* Fifty-

"five

" five Thouſand Pounds *thereof in Bills of Credit, and to provide a Fund for ſinking the ſame; and for* " *granting to His Majeſty the additional Sum of* One Hundred Thouſand Pounds," with the Approbation of the Governor, did appropriate and lay out in ſundry Goods, Wares and Merchandizes, in order therewith to trade with the Indians, the Sum of *One Thouſand Pounds* Part of the ſaid *One Hundred Thouſand Pounds*, granted to the King's Uſe, and did appoint *John Carſon* to reſide at *Fort-Auguſta*, and did deliver and conſign to him the ſaid Goods, Wares and Merchandizes, to ſell and barter the ſame on Account of the Province with the Indians;

BE IT THEREFORE FURTHER ENACTED by the Authority aforeſaid, That the ſaid *John Carſon*, his Executors or Adminiſtrators, ſhall, and they are hereby enjoined and commanded, whenever thereto required, to deliver up to them the ſaid Commiſſioners for Indian Affairs, all and ſingular of the ſaid Goods, Wares, and Merchandizes that have or ſhall come to their Hands, Cuſtody or Power, or be delivered to him or them for the Purpoſes aforeſaid, which ſhall remain in his or their Hands not ſold or bartered as aforeſaid at the Time ſuch Requeſt ſhall be made; and ſhall alſo tranſmit and deliver to them the ſaid Commiſſioners for Indian Affairs, the Money and Peltry which he or they have or ſhall receive of the Natives therefore, and ſhall behave and account with them in all Things, as the Agents to be appointed by Virtue of this Act are enjoined and required to account and behave, under the Penalty of *One Thouſand Pounds*, to be recovered by the Commiſſioners for Indian Affairs in the ſame Manner as the other Fines and Penalties inflicted by this Act are herein after directed to be recovered, and ſhall be by them applied to the Uſes of the ſaid Trade. John Carſon to be accountable to the Commiſſioners.

AND, the better to enable the ſaid Commiſſioners for Indian Affairs to carry on the ſaid Trade, to ſupply the ſaid Agents from time to time with the neceſſary Goods, Wares and Merchandizes, and to execute and perform all and every the Duties enjoined and required of them by this Act, BE IT ENACTED by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon or Perſons whatſoever to advance and lend to the ſaid Commiſſioners for Indian Affairs, any Sum or Sums of Money, not exceeding in the Whole the Sum of *Four Thouſand Pounds*, lawful Money of this Province, which Sum or Sums of Money the ſaid Commiſſioners for Indian Affairs are hereby authorized and impowered to borrow and receive for the Uſes, Intents and Purpoſes aforeſaid. And the ſaid Lenders ſhall have and receive for the Uſe and Forbearance of their reſpective Loans during the Continuance of this Act, and until the ſame ſhall be paid off and diſcharged, Intereſt not exceeding *Six per Centum per Annum*. And that every ſuch Lender ſhall immediately have and receive a Note and Certificate in Writing, of and for the Sum lent, with the Intereſt thereof, ſigned by the ſaid Commiſſioners for Indian Affairs: which Note and Certificate ſhall be regiſtred in a Book to be kept by them for that Purpoſe, And that the ſaid Lenders ſhall be paid by the ſaid Commiſſioners for Indian Affairs, yearly, and every Year, the Intereſt-Monies ariſing on their reſpective Loans, out of the Profits and Gain accruing of and from the ſaid Trade; and if not ſufficient Profits or Gain, then out of the Capital Stock. And that at the Expiration of five Years of and from the Publication of this Act, they the ſaid Commiſſioners ſhall pay off and diſcharge all and every of the ſaid Loans and principal Sums to the ſeveral and reſpective Lenders, out of the Monies remaining in their Hands. Commiſſioners to borrow Money to carry on the Trade.

AND, in order more effectually to aſſure and ſecure to the Lenders their reſpective Sums of Money, that ſhall be ſo lent and advanced, and to the ſeveral Perſons employed in the ſaid Trade, their reſpective Rewards and Wages, BE IT FURTHER ENACTED by the Authority aforeſaid, That if, by any Accident, Chance of War, or other Caſualty whatſoever, it ſhould ſo happen that the Capital Stock, and the Profits, Gain and Advantages ariſing from the ſaid Trade ſhould, at the Expiration of five Years from and after the Publication of this Act, be found ſhort and inſufficient, upon a Settlement as aforeſaid with the Aſſembly, to ſatisfy and diſcharge the ſaid ſeveral Loans, with the Intereſt thereon accruing, and to bear and maintain the other Charges and Expences of the ſaid Trade, the ſame ſhall be paid and ſatisfied by an equal and proportionable Rate and Tax, to be laid, aſſeſſed and levied on all the Eſtates, real and perſonal, within this Province, in the ſame Manner, by the ſame Perſons, under the ſame Pains and Penalties, and in the ſame Proportions in the ſeveral Counties, as the Sums of Money heretofore granted to the King's Uſe, and directed to be raiſed and levied on the real and perſonal Eſtates of the Inhabitants are, or ſhall be at that Time aſſeſſed, raiſed and levied. And that the Aſſembly of this Province for the Time being upon ſuch Inſufficiency and Defect appearing to them, on the Settlement of the Commiſſioners Accounts as aforeſaid, ſhall forthwith certify the ſame to the Commiſſioners of the ſeveral Counties, in Writing, under the Hand of their Speaker, in order that the ſame may be laid, aſſeſſed and levied in Manner aforeſaid: And when ſo levied, ſhall be paid into the Hands of the reſpective County Treaſurers, who ſhall forthwith pay the ſame over to the Commiſſioners for Indian Affairs, for the Purpoſes aforeſaid. The Loans to be paid off by Tax, if the Stock of the Trade ſhould fall ſhort.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all and every Perſon and Perſons to whom any Money ſhall be due for Loan by Virtue of this Act, after Note and Certificate entered on the Book of Regiſtry as aforeſaid, his, her or their Executors, Adminiſtrators or Aſſigns, by proper Words of Aſſignment to be endorſed on his, her or their Certificate, may aſſign, transfer, or make over, all his, her or their Right, Title, Intereſt and Benefit of ſuch Note and Certificate, to any other Perſon or Perſons; which Aſſignment ſhall entitle ſuch Aſſignee, his, her or their Executors, Adminiſtrators or Aſſigns, to the Benefit thereof, and Payment thereon: And ſuch Aſſignee may in like Manner aſſign again, and ſo *toties quoties*; and afterwards it ſhall not be in the Power of ſuch Perſon or Perſons, who have or hath made ſuch Aſſignment, to make void, releaſe or diſcharge the ſame, or the Monies thereby due. Notes for Money lent to be aſſignable.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That in ſettling the Rates of Exchanging and Bartering with the Indians, no greater Advance ſhall be put on the Goods to be furniſhed them, than may be, in the Judgment of the Commiſſioners aforeſaid, ſufficient to bear and defray the neceſſary Expences of tranſacting, carrying on and managing the Trade, and of paying the Intereſt Money Advance to be put on the Goods.

Proteſtant Teachers and Schoolmaſters among the Indians to be commiſſionated by the Governor.

ney aforeſaid, and for ſupporting ſuch Proteſtant Teachers of the Goſpel to inſtruct the Indians in the Principles of the Chriſtian Religion, Schoolmaſters, and other Perſons to take Care of, and direct them in their temporal Affairs, as ſhall be moſt agreeable to them; which ſaid Teachers, Schoolmaſters and others ſo to be ſupported, ſhall be appointed and commiſſionated by the Governor and Commander in Chief of this Province; and before they are commiſſionated by the Governor and Commander in Chief of this Province for the Purpoſes aforeſaid, they ſhall take the Oaths appointed to be taken in and by an Act paſſed in the firſt Year of His late Majeſty King *George*, entituled, *An Act for the further Security of His "Majeſty's Perſon and Government, and the Succeſſion of the Crown in the Heirs of the late Princeſs* Sophia, *"being Proteſtants, and for extinguiſhing the Hopes of the pretended Prince of* Wales, *and his open and "ſecret Abettors;*" or, if conſcientiouſly ſcrupulous of taking an Oath, an Affirmation inſtead thereof, and ſhall alſo make, repeat and ſubſcribe the Declaration in the ſaid Act mentioned. And if, upon final Settlement of the Accounts at the Expiration of this Act, it ſhould appear that there is a Surplus of Profit, the ſame ſhall be paid into the Hands of the Provincial Treaſurer for the Time being, and diſpoſed of in ſuch Manner, and to ſuch Purpoſes as ſhall be hereafter directed by Act of General Aſſembly of this Province.

Agents to be qualified and give Bond.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That every Agent ſo appointed and employed as aforeſaid, before he takes upon himſelf the Office and Truſt appointed and required by this Act, ſhall take an Oath or Affirmation before ſome Juſtice of the Peace of this Province, for the faithful Diſcharge of his Duty, and the Truſt repoſed in him by Virtue of this Act; and ſhall alſo enter into, and duly execute, an Obligation, with ſuch ſufficient Sureties to His Majeſty and His Succeſſors, and in ſuch penal Sum as the ſaid Commiſſioners for Indian Affairs ſhall require, that he will well and truly diſcharge and execute his Truſt, and likewiſe obſerve ſuch Orders, Inſtructions and Directions, conſiſtent with this Act, as ſhall be ſent to him from time to time by the ſaid Commiſſioners for Indian Affairs, and that he will neither directly or indirectly buy, ſell, barter, exchange or trade with any Indian or Indians on his own Account or on the Account of any other Perſon or Perſons whatſoever, nor ſuffer any Perſon under his Direction ſo to do; but for the Account of the Province only: and that he will not employ any Perſon or Perſons as Aſſiſtants in trading with the Indians, but ſuch as ſhall be well recommended as honeſt, ſober and prudent Perſons, and approved of by the ſaid Commiſſioners for Indian Affairs: And the ſaid Agent or Agents ſhall keep fair and juſt Accounts of all his or their Tranſactions and Dealings in the Premiſes, and deliver fair Tranſcripts thereof into the Hands of the ſaid Commiſſioners for Indian Affairs at leaſt once a Year, and ſhall alſo ſettle and adjuſt the ſame yearly, or oftener, if required, with the ſaid Commiſſioners; and ſhall have, for his or their Care and Trouble in negotiating and tranſacting the Buſineſs hereby committed to him or them, and ſuch as ſhall or may be employed, as is herein before directed, in carrying on the Trade with the Indians, and other Services relating thereto, ſuch Rewards or Commiſſions as the Commiſſioners aforeſaid for Indian Affairs ſhall judge reaſonable, and allow.

Penalty on Agents demanding of the Indians higher Prices, &c. than fixed by the Commiſſioners.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any ſuch Agent or Aſſiſtant, or Perſon employed by him, ſhall preſume to demand higher or greater Prices or Rates of the Indians for any Goods ſold them, or exchanged or bartered with them than they are fixed at, or allow the Indians leſs for their Peltry than directed and inſtructed to do by the ſaid Commiſſioners for Indian Affairs, ſuch Agent or Aſſiſtant, or Perſon employed by him, ſhall forfeit and pay the Sum of *Fifty Pounds* for every ſuch Offence, one Half thereof to be paid to the ſaid Commiſſioners for Indian Affairs, to be diſpoſed of by them in purchaſing Goods, and carrying on the ſaid Trade, and the other Half thereof to ſuch Perſon or Perſons that ſhall ſue or proſecute for the ſame, to be recovered in any of his Majeſty's Courts of Record within this Province, where the Proſecutor ſhall think proper to commence his Suit, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection or Wager of Law ſhall be allowed to the Defendant, nor any more than one Imparlance; and the Offender or Delinquent ſhall thenceforth, during the Continuance of this Act, be altogether diſabled from holding or exerciſing any Office within this Government.

No Perſons may ſell Rum, &c. to the Indians.

nor any other Goods beyond the K. Hills.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That no Perſon or Perſons whatſoever, other than the ſaid Commiſſioners, their Agents, and their Aſſiſtants, and ſuch as are employed by them for Account of the Province, from and after the Publication of this Act, ſhall preſume to ſell, exchange or barter with any Indian or Indians, any Cyder, Whisky, Wine, Rum, Brandy, or any other ſtrong Liquor whatſoever within this Province; nor ſhall any Perſon or Perſons, other than the Commiſſioners, their ſaid Agents and their Aſſiſtants ſell, exchange or barter with any Indian or Indians, any Goods, Wares or Merchandizes whatſoever (Proviſions only excepted) beyond the *Kittocktenny Hills*, on any Pretence whatſoever; PROVIDED that nothing herein contained ſhall be conſtrued or extended to debar any Inhabitant within the *Kittocktenny Hills* from ſelling, bartering or exchanging any Goods, Wares or Merchandizes, other than ſpirituous Liquors as aforeſaid, with ſuch Indian or Indians, as ſhall or may come to their own Dwelling-houſes for thoſe Purpoſes. And that every Perſon and Perſons offending in the Premiſes, being legally convicted thereof in any Court of Record within this Province, ſhall forfeit and pay the Sum of *Fifty Pounds*, to be recovered and diſpoſed of in Manner laſt aforeſaid, and be committed to the publick Goal during the Space of Six Months, without Bail or Main-prize, any Law or Laws of this Province to the contrary notwithſtanding: And the ſaid Offence, committed out of the inhabited Parts of this Province as aforeſaid, ſhall be heard, tried and determined in any of the Courts of this Province, where the Perſon offending ſhall or may be arreſted and apprehended.

Where Agents may ſearch for and ſeize ſtrong Liquors &c. deſigned for Sale.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Agents to be appointed as aforeſaid, and every of them, as often as they ſhall be informed, or have Reaſon to believe, that any Quantity of ſtrong Liquors, Goods, Wares and Merchandizes are carried out and tranſported beyond the *Kittocktenny Hills*, with Deſign to ſell, barter and exchange the ſame with the Indians, ſhall, and they, and every of them are hereby empowered and required with their Aſſiſtants and Servants, to viſit all

all ſuſpected Places, and ſearch for ſuch ſtrong Liquors, Goods, Wares and Merchandizes, and being found, beyond the Limits aforeſaid, to ſeize the ſame as forfeited; one Half thereof for the Uſe of the Perſon who ſhall proſecute for the ſame, and the other Half thereof to the Commiſſioners for Indian Affairs aforeſaid; to be recovered in Manner aforeſaid, in any Court of Record of this Province, in which the Proſecutor ſhall think proper to file his Bill, Plaint or Information, and to be diſpoſed of by them in Manner laſt aforeſaid.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That where any Agent ſo as aforeſaid appointed, ſhall be removed by the ſaid Commiſſioners for Indian Affairs from his Office of Agent, or ſurrender up his ſaid Office, he ſhall deliver up to the ſaid Commiſſioners for Indian Affairs, all the Books, publick Accounts and Papers, belonging to, or concerning the Trade and Truſt committed to his Care, whole and entire, and undefaced, under the Penalty of *Five Hundred Pounds*, to be recovered in the Manner and for the Uſes aforeſaid: And where any Agent ſhall be removed by Death from his ſaid Office and Truſt, the Executors or Adminiſtators of ſuch Decedent, ſhall deliver, in like Manner, all the Books and Papers that ſhall come to their Hands, relating to the Accounts and Tranſactions of the ſaid Trade, to the ſucceeding Agent or Agents, under the like Penalty, to be recovered and applied in Manner aforeſaid. Agents removed, or their Executors, to deliver up their Books, &c. to the Commiſſioners.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Clauſe which relates to the ſecuring and aſſuring the Loans to the reſpective Lenders, ſhall remain, and is hereby declared to be in Force until the ſaid Lenders ſhall receive their ſeveral and reſpective Sums of Money lent and advanced, with the Intereſt thereon accruing; and that the Reſidue and Remainder of this Act ſhall be in Force for five Years, from and after the Publication thereof, and no longer. Limitation.

Paſſed *April* 8th, 1758. Recorded A Vol. 4. p. 42.

LXX. *An Act for regulating the Hire of Carriages to be employed in his Majeſty's Service.*

Paſſed *April* 8th, 1758. ---*Expired.*--- Recorded A. Vol. 4. p. 53.

LXXI. *An Act for regulating the Officers and Soldiers commiſſionated and raiſed by the Governor for the Defence of this Province.*

Paſſed *April* 8th, 1758. ---*Expired.*---Recorded A. Vol. 4. p. 51.

LXXII. *An* ACT *for granting the Sum of* One Hundred Thouſand Pounds *to his Majeſty's Uſe, and for ſtriking the ſame in Bills of Credit; and for continuing the ſeveral Acts of Aſſembly of this Province herein after mentioned for ſinking the Bills of Credit ſo to be ſtruck, at the Times, and in the Manner herein after directed and appointed.*

WHEREAS by an Act of General Aſſembly of this Province, paſſed in the Twenty-ninth Year of the preſent Reign, intituled, "*An Act for granting the Sum of* Sixty Thouſand Pounds *to the King's Uſe, and for ſtriking* Fifty-five Thouſand Pounds *thereof in Bills of Credit, and to provide a Fund for ſinking the ſame*," it was declared and enacted, that *Fifty-five Thouſand Pounds*, in Bills of Credit, to be ſtruck by Virtue of the ſaid Act, ſhould be given to the King's Uſe, and that to ſink the ſame there ſhould be levied on all Eſtates, real and perſonal, within this Province, of all and every Perſon and Perſons (the Eſtates of the Honourable *Thomas Penn* and *Richard Penn*, Eſquires, Proprietaries of this Province, only excepted, for the Conſideration therein mentioned) the Sum of *Six-pence* for every *Pound*, clear Value of the ſaid Eſtates, yearly, for the Space of four Years, to be paid by the Owners or Poſſeſſors thereof; and that every ſingle Freeman, whether reſiding with his Parents or elſewhere, who, at the Time of the Aſſeſſment, ſhould be of the Age of Twenty-one Years, and had been out of his Apprenticeſhip or Servitude for the Space of ſix Months, and not worth in Goods or Chattels *Thirty Pounds*, ſhould pay the Sum of *Ten Shillings*, except ſuch as then were, or thereafter ſhould be engaged in his Majeſty's Service. AND WHEREAS by one other Act of General Aſſembly of this Province, paſſed in the Thirtieth Year of his preſent Majeſty's Reign, intituled, "*A Supplement to the Act, intituled, An Act for granting the Sum of* Sixty Thouſand Pounds *to the King's Uſe, and for ſtriking* Fifty-five Thouſand Pounds *thereof in Bills of Credit, and to provide a Fund for ſinking the ſame, and for granting to his Majeſty the additional Sum of* One Hundred Thouſand Pounds," it was, among other Things, further declared and enacted, That the Commiſſioners and Aſſeſſors of the reſpective Counties of this Province, in the ſeveral Rates and Aſſeſſments by them to be laid and collected by Virtue of the herein before mentioned Act, ſhould, to every *Six-pence* in the *Pound* add *One Shilling*, and to every *Ten Shillings per* Head add *Ten Shillings*, and in every other Reſpect ſhould act and proceed in the ſame Manner as by the ſaid herein firſt above mentioned Act they were enjoined and directed, with regard to the Aſſeſſing and Collecting of the ſaid additional Sum of *One Shilling per Pound*, and *Ten Shillings per* Head, therein and thereby granted to his Majeſty's Uſe. AND WHEREAS the ſaid ſeveral Sums of *Fifty-five Thouſand Pounds*, and *One Hundred Thouſand Pounds* (together with *Thirty Thouſand Pounds*, granted by an Exciſe on ſpirituous Liquors) are expended, and a farther Sum is now abſolutely neceſſary for raiſing, paying and cloathing a Number of Men, to act in Conjunction with a Body of his Majeſty's Forces, during the enſuing Campaign, and other Purpoſes for his Majeſty's Service: THEREFORE, as a further Teſtimony of the Gratitude and Loyalty of his Majeſty's dutiful Subjects within this Province, we, the Repreſentatives of the Freemen of the Province of *Pennſylvania*, do pray that it may be enacted, AND BE IT ENACTED by the Honourable *WILLIAM DENNY*, Preamble.

DENNY, Eſq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and the Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That *One Hundred Thouſand Pounds* (over and above the ſeveral Sums heretofore given and granted to the King's Uſe) to be ſtruck by Virtue of this Act, in the Manner herein after mentioned, ſhall be given to his Majeſty's Uſe; and in order the ſaid *One Hundred Thouſand Pounds*, in Bills of Credit, ſo as aforeſaid ſtruck, be duly ſunk and deſtroyed, BE IT FURTHER ENACTED by the Authority aforeſaid, that all and every the Rates and Aſſeſſments of *Six-pence per Pound*, and *Ten Shillings per* Head, and the additional Rates of *Twelve-pence per Pound*, and *Ten Shillings per* Head, in and by the two ſeveral Acts herein before mentioned, paſſed in the Twenty-ninth and Thirtieth Years of the preſent Reign, ſhall be and continue in Force for laying and collecting the ſeveral Taxes therein particularly ſet forth and directed, for and during the further Term of three Years, and the Rates and Aſſeſſments therein, and in each or either of them mentioned, aſſeſſed and rated, ſhall be, and are hereby continued and rated upon all the Eſtates, real and perſonal, and Taxables within this Province; and the ſaid Rates and Aſſeſſments ſhall be raiſed, levied, collected and paid, before the tenth Day of *March*, 1764, in the ſame Manner, by the ſame Perſons, and under the ſame Rules, Directions, Penalties and Forfeitures in all Reſpects, as in the ſaid before mentioned Acts, intituled, "*An Act for granting the Sum of* Sixty Thouſand Pounds *to the King's Uſe, and for ſtriking* Fifty-five Thouſand Pounds *thereof in Bills of Credit, and to provide a Fund for ſinking the ſame*;" and "*A Supplement to the Act intituled, An Act for granting the Sum of* Sixty Thouſand Pounds *to the King's Uſe, and for ſtriking* Fifty-five Thouſand Pounds *thereof in Bills of Credit, and to provide a Fund for ſinking the ſame, and for granting to his Majeſty the additional Sum of* One Hundred Thouſand Pounds," and by this Act are preſcribed, directed, expreſſed or enacted, or in any other Act or Acts of Aſſembly of this Province therein, or in either of them contained, mentioned or referred to concerning the ſaid Rates or Aſſeſſments; and that the ſaid ſeveral Acts ſhall be in Force, and effectual, to all Intents and Purpoſes, for raiſing, levying, collecting, ſecuring and accounting for the ſaid Rates, Sum and Sums of Money hereby granted, charged or continued, and for levying and recovering the Penalties and Forfeitures, and all other Matters and Things thereunto belonging, as fully and effectually as if the ſame were particularly and at large repeated and inſerted in this Act, except in ſuch Caſes as are herein aſcertained, provided for, or altered.

100,000 l. given to the King's Uſe.

The Taxes laid by two former Acts to continue till 1764.

PROVIDED NEVERTHELESS, AND BE IT FURTHER ENACTED by the Authority aforeſaid, that the ſaid ſeveral Rates of *Sixpence per Pound*, and *One Shilling per Pound*, from and after the firſt Day of *October* next, ſhall be levied on the clear yearly Value of the Eſtates within this Province, as the ſaid clear Value of the Rents ariſeth out of the Premiſes, or otherwiſe to be eſtimated by the Aſſeſſors, according to their Diſcretion and Judgment, having Reſpect to the Quantity and Value of the unimproved Parts of the ſame, as alſo upon all located unimproved Tracts of Land, to be aſſeſſed in the Manner herein after directed.

Diſcretional Power of the Aſſeſſors.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Freeholders of every Townſhip and Borough in each County within this Province, and of every Ward in the City of *Philadelphia*, ſhall meet together on the Twenty-ſeventh Day of *September* next, and ſo on the ſame Day in the ſame Month every Year, during the Continuance of this Act, unleſs the ſaid Day ſhall happen to be on *Sunday*, and then on the Day before, and chuſe, by Way of Ballot, or by Tickets in Writing, one diſcreet and reputable Freeholder, reſiding within the ſaid Townſhip, Borough or Ward, for an Aſſeſſor, whoſe Name ſhall be returned in Writing, under the Hands of two or more of the Electors, to the Sheriff of the reſpective County, on or before the firſt Day of *October* next following, by the Conſtable of the ſaid Townſhip, at the ſame Time he ſhall return the Inſpector directed to be choſen on the ſame Day by a Law of this Province now in Force; and the ſaid Sheriff ſhall deliver in Writing, within five Days after the Receipt of ſuch Return, the Names of the Perſons ſo choſen and returned for Aſſeſſors, to one or more of the Commiſſioners of the ſaid County, under the Penalty of *Twenty Pounds*; which ſaid Aſſeſſors, ſo choſen as aforeſaid, together with the Conſtable of his reſpective Townſhip, Borough or Ward, ſhall and are hereby enjoined and required to go to the Place or Places of Abode of all and every Perſon and Perſons reſiding therein, and make a faithful and diligent Enquiry into, and endeavour, by all the Ways and Means in their Power, to procure a true and exact Account of the real and perſonal Eſtates of every Inhabitant thereof, and of the true Value of ſuch Eſtates.

Freeholders to chuſe Aſſeſſors.

P. 7, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Commiſſioners of the reſpective Counties ſhall, within fourteen Days after the firſt Day of *October* next, give Notice in Writing to the County Aſſeſſors to meet them on a certain Day and Place, therein to be appointed, and then and there the ſaid Commiſſioners and Aſſeſſors ſhall proceed to divide their reſpective Counties into Diſtricts, allotting any Number of Townſhips, Boroughs or Wards, not exceeding five, lying neareſt to each other, into one Diſtrict, until the whole County ſhall be divided as aforeſaid. And they ſhall alſo then and there nominate and appoint the Day or Days on which the Aſſeſſors of each Diſtrict or Diviſion, ſo as aforeſaid made, ſhall attend, in order to join with and aſſiſt the County Aſſeſſors to rate and aſſeſs the Diſtrict for which they ſhall be ſo reſpectively choſen, and no other, which they the ſaid Aſſeſſors are hereby authorized, enjoined and required to do; of which Day or Days, and Place ſo appointed, the Commiſſioners are hereby commanded to give Notice in the Precepts herein after directed to be iſſued to the ſaid Aſſeſſors and Conſtables of the reſpective Townſhips. But before the ſaid Conſtables and Aſſeſſors, ſo choſen for the ſeveral Townſhips, Boroughs or Wards, in the reſpective Counties, ſhall enter upon the Execution of the Duties enjoined and required of them, or of either of them by this Act, they ſhall, before ſome Magiſtrate of their County, take an Oath or Affirmation, that they will well and faithfully,

County Commiſſioners and Aſſeſſors to divide their Counties in Diſtricts.

faithfully, to the beſt of their Skill, Judgment and Abilities, diſcharge and perform all and every the Acts and Duties hereby enjoined and required of them.

Aſſeſſors, &c. ſhall make Return of all Perſons and Eſtates in their Diſtricts.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Commiſſioners of the reſpective Counties, or any two of them, ſhall, within ten Days after the County is divided into Diſtricts, under the Penalty of *Fifty Pounds*, iſſue forth their Precepts, directed to the Aſſeſſor and Conſtable of every Townſhip, requiring them to bring to the County Aſſeſſors, within four Weeks next after the Date of ſuch Precepts, fair and true Certificates in Writing, of the Names and Surnames of all and every the Perſons dwelling or reſiding within the Limits of thoſe Townſhips, Wards, Boroughs, or Places with which they ſhall be charged, and the Names of all Freemen, Inmates, hired Servants, and all other Perſons reſiding or ſojourning in every of the ſaid Townſhips, Wards, Boroughs or Places, in an alphabetical Order, beginning with the Surname of every Perſon ſo to be aſſeſſed and taxed as aforeſaid, together with an Account of what Tracts and Parcels of Land and Tenements they reſpectively hold; as alſo how many, and what Part of thoſe Tracts are ſettled, improved or cultivated, and how much of the ſaid Land is ſowed with Corn; how many bound Servants and Negroes, with their Ages, and what Stock of Cattle, Horſes, Mares and Sheep they poſſeſs; alſo all Griſt-mills, Saw-mills, and all other Mills, Forges, Furnaces, Mines, Houſe-rents, Ground-rents, Trades or Occupations, and all Offices and Poſts of Profit, Bodies politick or corporate, having Eſtate or Income (Hoſpitals and Charity-ſchools only excepted) together with what other Property they reſpectively hold; and ſuch other Land as by the herein before mentioned Act "for granting the Sum of *Sixty Thouſand Pounds* to the King's Uſe, and for ſtriking *Fifty-five Thouſand Pounds* thereof in Bills of Credit, and to provide a Fund for ſinking the ſame," and by this Act is particularly ſet forth and directed to be aſſeſſed, without Concealment, Fear, Malice, Favour or Affection, upon the Pain of Forfeiture of any Sum not exceeding *Thirty Pounds*, to be levied as Fines by the Act for raiſing of County Rates and Levies are appointed and directed.

Aſſeſſors, &c. ſhall rate and aſſeſs the Eſtates in each Diſtrict.

AND BE IT ENACTED by the Authority aforeſaid, That the Aſſeſſors of the reſpective Counties ſhall meet at the Day, and Place appointed as aforeſaid by the Commiſſioners Precepts, and then and there receive the Returns of the Conſtables and Aſſeſſors, ſo choſen by the Freeholders of the reſpective Townſhips, Boroughs and Wards, and proceed thereupon (being aſſiſted by the Aſſeſſors of the Diſtrict, whoſe Property and Eſtates are about to be rated and aſſeſſed, who ſhall have the ſame Powers with the County Aſſeſſors) to rate and aſſeſs the ſame Townſhips, Boroughs or Wards, within the ſame Diſtrict. And the ſaid Rates and Aſſeſſments of one Diſtrict being finiſhed, they the ſaid County Aſſeſſors, together with the Aſſeſſors elected by the Townſhips, Boroughs and Wards reſpectively, ſhall proceed to rate and aſſeſs another Diſtrict in the ſame Manner, until they ſhall have rated and aſſeſſed the whole County, according to Juſtice and good Conſcience. And the Aſſeſſors of each Diſtrict ſhall, and they are hereby enjoined and required to attend on the Day of Appeal, which ſhall be appointed by the Commiſſioners for their reſpective Diſtricts in the ſame Manner, and for the ſame Purpoſes, as the County Aſſeſſors are directed and required by the Act for raiſing County Rates and Levies.

Conſtables ſhall give Notice of the Townſhips neglecting to chuſe Aſſeſſors.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any of the Townſhips or Boroughs within this Province, or any of the Wards of the City of *Philadelphia*, ſhall neglect or refuſe to chuſe an Aſſeſſor as is herein before directed, the Conſtable of every Townſhip, Borough or Ward, ſo neglecting, ſhall forthwith, under the Penalty of *Ten Pounds*, give Notice thereof to the Commiſſioners of the reſpective County, who ſhall and they are hereby authorized and enjoined, as ſoon as may be, to make Choice of one Aſſeſſor reſiding in every Townſhip, Borough or Ward, ſo as aforeſaid neglecting; of which Choice, the ſaid Commiſſioners ſhall forthwith give Notice to the Conſtable, and the ſaid Aſſeſſor or Aſſeſſors, ſo as aforeſaid appointed by the ſaid Commiſſioners, ſhall be under like Qualifications, and have the ſame Powers and Authorities and ſhall perform all the Duties of Aſſeſſors, under the ſame Pains, Penalties and Forfeitures, as if the ſaid Aſſeſſor or Aſſeſſors had been choſen by the major Vote of the Freeholders and Inhabitants of the reſpective Townſhips or Boroughs within this Province, or of the Wards of the City of *Philadelphia*, as is herein before directed.

Taxes laid by former Acts to be levied in the ſame Manner as this Act directs.

AND BE IT ENACTED by the Authority aforeſaid, That the Commiſſioners and Aſſeſſors of every County within this Province, together with the Aſſeſſors ſo choſen by the Freeholders of each Townſhip, Borough or Ward, ſhall proceed to aſſeſs, rate and levy the Taxes and Sums of Money which are by ſeveral former Laws directed to be aſſeſſed, raiſed and levied for ſinking the Bills of Credit that have been heretofore ſtruck and granted to his Majeſty's Uſe, upon the ſame Returns of Property, and in the ſame Manner, as the Sum of *One Hundred Thouſand Pounds*, hereby granted to the King's Uſe, is enjoined and directed to be aſſeſſed, raiſed and levied, and in no other Manner whatſoever.

Commiſſioners to make out Duplicates of the Aſſeſſments, to be laid before the Aſſembly,

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Commiſſioners of the ſeveral Counties within this Province ſhall, and they are hereby enjoined and required, under the Penalty of *Fifty Pounds*, as ſoon as conveniently may be, after the Aſſeſſments of the reſpective Counties are regulated and adjuſted, to cauſe fair Duplicates of the Returns and Aſſeſſments of their reſpective Counties (containing the Quantity of all and every Tract of Land, and what and how much they were rated and aſſeſſed at *per* Hundred Acres; and alſo the Quantity of the perſonal Eſtates of all and every Perſon and Taxable within their Counties reſpectively, and in what Manner the ſame was rated and aſſeſſed; and an Account of all ſingle Head-men) to be tranſcribed and atteſted by at leaſt two of them, certifying the ſame to be the true Tranſcripts of the Aſſeſſments of the ſeveral Counties to which they appertain and belong; all which ſaid Tranſcripts or Duplicates ſhall be laid before the Aſſembly for the Time being at their next Sitting, after the ſaid Aſſeſſments are ſo as aforeſaid regulated and adjuſted, in order that the Repreſentatives of this Province may inſpect and conſider the Equity of the ſaid Aſſeſſments, and conduct themſelves accordingly.

Unimproved City and Town lots made taxable.

AND whereas many valuable Lots of Ground within the City of *Philadelphia*, and the ſeveral Boroughs and Towns within this Province, remain unimproved; BE IT FURTHER ENACTED by the Authority aforeſaid, That all ſuch unimproved Lots of Ground, within the City and Boroughs aforeſaid, ſhall be rated and aſſeſſed, according to their Situation and Value, for and towards raiſing the Money hereby granted, any thing in this Act, or any other Act of this Province, relating to the taxing of unimproved located Lands, contained, to the contrary notwithſtanding.

Commiſſioners, &c. dying, &c. to be replaced by the Survivors of them.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That in caſe of the Death of any of the Commiſſioners or Aſſeſſors, or their Refuſal to act in Diſcharge of the Duties required of them by this Act; then, and in every ſuch Caſe, the remaining Commiſſioners and Aſſeſſors of the reſpective County for the Time being, or the major Part of them, ſhall appoint others to ſupply the Place or Places of ſuch as ſhall ſo die, or refuſe to act, from time to time, as Occaſion may require; which Aſſeſſor or Aſſeſſors ſo choſen, ſhall take the Oaths or Affirmations in the Manner preſcribed to be taken by the Laws of this Province; and ſhall thereupon have all the Powers and Authorities, and ſhall perform all the Duties of Aſſeſſors in the reſpective Counties, to all Intents and Purpoſes whatſoever: And the Commiſſioners who ſhall put this Act in Execution, inſtead of the Oaths or Affirmations preſcribed to be taken by former Acts by the Commiſſioners and Aſſeſſors, ſhall take an Oath or Affirmation to the following Effect, *viz*,

Commiſſioners Qualification.

YOU ſhall well and truly cauſe the Rates and Sums of Money, by Virtue of this Act impoſed, to be duly and equally aſſeſſed and laid, according to the beſt of your Skill and Knowledge, ſo far as relates to the Duty and Office of a Commiſſioner, and herein you ſhall ſpare no Perſon for Favour or Affection, or grieve any for Hatred or Ill-will.

Which Qualification ſhall be adminiſtred as in and by an Act for raiſing County Rates is enjoined and required.

Commiſſioners &c. to chuſe a County Treaſurer.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Commiſſioners and Aſſeſſors of the reſpective Counties, for the Time being, or the major Part of them, and no other, are hereby impowered and required, as often as there may be Occaſion, during the Continuance of this Act, to chuſe a Treaſurer for each County, who ſhall have all the Powers, and ſhall be ſubjected to all the Duties, Penalties and Forfeitures, as by the Acts now in Force they are or ought to be inveſted with, or ſubjected to.

Yearly Payments of the Provincial Treaſurer to the Committees of Aſſembly.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Provincial Treaſurer, for the Time being, ſhall, out of the Monies paid into his Hands by Virtue of this Act, yearly, and every Year for the Space of three Years next enſuing the firſt Day of *October*; 1760, pay into the Hands of the Committees of Aſſembly, yearly appointed to ſettle the publick Accounts, the Sum of *Thirty-three Thouſand Three Hundred and Thirty-three Pounds, Six Shillings and Eight pence*, in Bills of Credit of this Province, which the ſaid Committees are hereby enjoined and required yearly, during the ſaid Term of three Years, to burn, ſink and deſtroy.

Treaſurers, Truſtees.

AND the Provincial Treaſurer ſhall have and receive for his Care and Trouble the Sum of *Five Shillings* for every *Hundred Pounds*, he ſhall ſo receive and pay, and no more.

Conſtables and Aſſeſſors Reward for their Trouble.

AND the Truſtees of the General Loan-Office ſhall have and receive, for their Trouble in receiving and paying the Monies, and performing the Duties by this Act required, the Sum of *Three Shillings* for every *Hundred Pounds*, and no more.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Conſtables ſhall have and receive for their Care and Trouble in executing and returning the Precepts by this Act, and all other preceeding Acts for granting Money to the King's Uſe, directed and enjoined, any Thing therein contained to the contrary notwithſtanding *Four Shillings per Diem*, and no more.

AND the Aſſeſſors, choſen as aforeſaid, for their Care and Trouble in making the Returns, and attending the Aſſeſſors of the County, and other the Duties enjoined them by this Act, ſhall have and receive *Five Shillings per Diem*, and no more.

AND the County Aſſeſſors, for their Time and Labour in their Aſſeſſments, ſhall be allowed *Five Shillings per Diem*, and no more,

Penalty on Commiſſioners and Aſſeſſors, neglecting &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if the Commiſſioners or Aſſeſſors ſhall refuſe or neglect to perform and diſcharge the Duties required of them by this Act, each and every of the ſaid Commiſſioners or Aſſeſſors ſo refuſing, ſhall forfeit and pay to the Provincial Treaſurer the Sum of *Fifty Pounds*. And the Commiſſioner or Commiſſioners, and Aſſeſſors, who ſhall act, or a Majority of them, ſhall appoint ſome other fit Perſon or Perſons in the Place or Stead of ſuch as ſhall refuſe to act as aforeſaid. And every Collector or Collectors, who ſhall neglect or refuſe to take upon him or themſelves the Truſt and Duty required of him or them by this Act, he or they ſo refuſing or neglecting, ſhall forfeit and pay to the Country Treaſurer the Sum of *Ten Pounds* each, and the Commiſſioners ſhall appoint ſome other fit Perſon or Perſons in the Place or Stead of the Collector or Collectors ſo refuſing or neglecting as aforeſaid; all which ſaid Fines and Forfeitures ſhall be levied in the ſame Manner that the Fines and Forfeitures impoſed and inflicted by the Act for raiſing County Rates and Levies are directed; and when recovered, ſhall be added to the Provincial Stock.

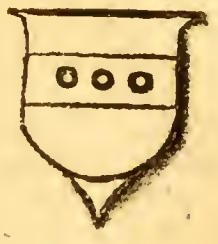
100 000 l. to be ſtruck in Bills of Credit.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That Bills of Credit, to the Value of *One Hundred Thouſand Pounds*, current Money of *America*, according to an Act of Parliament, made in the Sixth Year of the Reign of Queen *Anne*, for aſcertaining the Rates of foreign Coins in the Plantations in *America*, ſhall, within one Month next after paſſing this Act, be prepared and printed, on ſtrong good Paper, under the Care and Direction of the Truſtees of the General Loan-Office aforeſaid, the Charge whereof ſhall be paid by the Province in the Manner the other Charges are directed

to be paid by this Act; which Bills shall be made and prepared in Manner and Form following, and no other, *viz.*

THIS Bill shall pass current for *within the Province of* Pennsylvania, *according to an Act of Assembly, made in the Thirty-first Year of the Reign of King* GEORGE *the Second. Dated the Twentieth Day of* May, *One Thousand Seven* Hundred *and Fifty-eight.* Form.

AND the said Bills shall have such like Escutcheons as in the Margin hereof, with such other Devices on the said Bills as the said Trustees shall think fit, as well to prevent Counterfeits, as to distinguish their several Denominations: Each of which Bills shall be of the several and respective Denominations following, and no other, *viz.*



THIRTY-EIGHT Thousand of the same Bills, of the Sum of *Twenty Shillings*,
THIRTY-EIGTH Thousand of the same Bills, of the Sum of *Fifteen Shillings*,
THIRTY-EIGHT Thousand of the same Bills, of the Sum of *Ten Shillings*,
THIRTY-EIGHT Thousand of the same Bills, of the Sum of *Five Shillings*, Number and Denominations thereof.

FOURTEEN Thousand Two Hundred and *Eighty-five* of the same Bills, of the Sum of *Two Shillings and Six-pence.*

FOURTEEN Thousand Two Hundred and *Eighty-five* of the same Bills, of the Sum of *Two Shillings.*

FOURTEEN Thousand Two Hundred and *Eighty-five* of the same Bills, of the Sum of *One Shilling and Sixpence.*

FOURTEEN Thousand Two Hundred and *Ninety* of the same Bills, of the Sum of *One Shilling.*

AND the Trustees shall use the best of their Care, Attention and Diligence, during the Printing of the said Bills, that the Number and Amount thereof, according to their respective Denominations aforesaid, be not exceeded, nor any clandestine or fraudulent Practice be used by the Printer, his Servants, or others concerned therein.

AND for the perfecting the said Bills, to make them current within this Province, according to the true Intent and Meaning of this Act, BE IT FURTHER ENACTED by the Authority aforesaid, That all and every of the said Bills shall be signed by the following Persons, or any three of them, that is to say: *Peter Reeve, Henry Harrison, James Wharton, William Fisher, William Hopkins, George Bryan, Charles Jones, Joseph Wharton*, junior, *Joseph Saunders, Joseph Morris, Samuel Morris, Charles Thomson, Joseph Stretch, Joseph Marriott, Thomas Moore, Thomas Carpenter, Evan Morgan, Luke Morris, Thomas Clifford, Peter Chevalier, Daniel Williams, James Benezet, Daniel Rundle, Thomas Gordon, Stephen Woolly, James Humphreys, Matthew Clarkson, John Ord, James Child, Samuel Wharton, John Hughes, Thomas Yorke*, and *Charles Humphreys*, who are hereby nominated and appointed to be Signers of all the Bills of Credit to be emitted by Virtue of this Act, in the Manner herein before directed. And the several Signers shall, before they receive or sign any of the said Bills of Credit, take an Oath or Affirmation to the following Effect, *viz.* Signers Names.

THAT they shall well and truly sign and number all the Bills of Credit that shall come to their Hands for that Purpose, by the Direction of this Act, and the same so signed and numbered, will deliver, or cause to be delivered, unto the Trustees of the General Loan-Office of the Province of Pennsylvania, *pursuant to the Direction of this Act.* Their Qualification.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Trustees, after the said Bills are printed shall deliver them to the said Signers, to be signed and numbered by Parcels; for which the said Signers, or some of them, shall give their Receipt: Of all which Bills of Credit so delivered by the Trustees to be signed, true Accounts shall be kept by the Signers, who, upon the Re-delivery of each, or any Parcel of the said Bills of Credit by them signed and numbered to the Trustees of the General Loan-Office, shall take the Receipt of the said Trustees, to charge them before any Committee of Assembly to be appointed for that Purpose.

AND the said Signers shall have *Fifteen Shillings* a Piece for every Thousand of the aforesaid Bills by them respectively signed and numbered, to be paid by the Province in the Manner directed for defraying the other Charges arising by Virtue of this Act. And Allowance.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all the aforesaid Bills of Credit, to be made as this Act directs, shall be current Bills of this Province until the tenth Day of *March*, One Thousand Seven Hundred and Sixty four, and no longer. And as such shall, during the said Term, be received in Payment for the Discharge of all Manner of Debts, Rents, Sum and Sums of Money whatsoever, due, payable, or accruing upon any, or by Reason of any Mortgage, Bill, Bond, Specialty, Note, Book-Account, Promise, or other Contract or Cause whatsoever, as if the same were tendered or paid in the Coins mentioned in such Bond or other Writing, Book-Account, Promise, Assumption, or any other Contract or Cause whatsoever, and at the Rates ascertained in the said Act of Parliament, and shall be so received in all Payments by all Persons whatsoever. The Bills to be current till the tenth of March, 1764.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons shall presume to counterfeit any of the said Bills of Credit made current by this Act, or shall be aiding and assisting therein, or shall enlarge the Sum expressed in any of the said Bills, or shall utter, or cause Punishment of Counterfeiters and Alterers, &c.

cauſe to be uttered or offered in Payment any ſuch Bill or Bills, knowing the ſame to be forged or counterfeited, or the Sum or Value therein altered, with an Intent to defraud any other Perſon, he, ſhe or they ſo offending, and being thereof legally convicted, ſhall, for every ſuch Offence, incur and ſuffer the ſame Pains and Penalties reſpectively, as Forgers, Counterfeiters, or Alterers of Bills, by former Acts of Aſſembly now in Force, or any of them, are directed to incur and ſuffer: And the Diſcoverer or Proſecutor, by Virtue of this preſent Act, ſhall be intitled to like Rewards, as by the ſaid former Acts, or any of them, are directed, in reſpect to the Bills hereby made current.

Appointment of Commiſſioners.

AND BE IT ENACTED by the Authority aforeſaid, that the Commiſſioners nominated and appointed in and by the Act herein before mentioned, intituled, "*A Supplement to the Act, intituled, An Act for granting the Sum of* Sixty Thouſand Pounds *to the King's Uſe, and for ſtriking* Fifty-five Thouſand Pounds *thereof in Bills of Credit, and to provide a Fund for ſinking the ſame, and for granting to His Majeſty the additional Sum of* One Hundred Thouſand Pounds," or the major Part of them, or of the Survivors of them, with the Conſent and Approbation of the Governor or Commander in Chief of this Province for the Time being, ſhall order and appoint the Diſpoſition of the Monies, ariſing by Virtue of this Act, for and towards raiſing, paying and cloathing Two Thouſand Seven Hundred effective Men (Officers included) to act in Conjunction with His Majeſty's *Britiſh* Forces, and the Forces of *Maryland, Virginia*, and the Lower Counties on *Delaware*, in ſuch offenſive Operations as ſhall be carried on and proſecuted by His Majeſty's Commander in Chief in theſe Parts during the enſuing Campaign. And that the ſaid Commiſſioners, or a Majority of them, ſhall, and they are hereby required, as often as there ſhall be Occaſion for Money for the Purpoſes aforeſaid, to draw Orders upon the Truſtees of the General Loan-Office; which Orders, ſo drawn and paid, ſhall be produced to the Committee of Aſſembly for the Time being, and by them allowed in Diſcharge of ſo much of the Money granted to the King's Uſe by Virtue of this Act; and the ſaid Commiſſioners, for their Trouble in diſcharging the Duties of Commiſſioners hereby required, ſhall have and receive *One Hundred Pounds* each, and no more.

Debts contracted in purſuance of a former Act, to be diſcharged &c. by this Act.

AND whereas the Commiſſioners nominated and appointed by an Act of General Aſſembly of this Province, intituled, "*A Supplement to the Act, intituled, An Act for granting the Sum of* Sixty Thouſand Pounds, *to the King's Uſe, and for ſtriking* Fifty-five Thouſand Pounds *thereof in Bills of Credit, and to provide a Fund for ſinking the ſame, and for granting to His Majeſty the additional Sum of* One Hundred Thouſand Pounds," have, with the Conſent of the Governor already expended the ſaid Sum of *One Hundred Thouſand Pounds*, and have entered into Contracts for the King's Service, in the Defence of this Province, for the defraying whereof there are at preſent no ſubſiſting Funds: And whereas ſundry Certificates and Draughts, on the Provincial Treaſurer, by Order of Aſſembly, for Salaries of Officers, and Services done the Publick, remain unpaid, through a Deficiency of Money in his Hands, to ſuch Purpoſes appointed: Therefore, BE IT ENACTED by the Authority aforeſaid, That the Truſtees of the General Loan-Office ſhall, and they are hereby authorized and impowered, out of the Monies ariſing by Virtue of this Act, to pay and diſcharge all ſuch Debts and Contracts as the Commiſſioners, appointed by the Act herein before mentioned for granting *One Hundred Thouſand Pounds* to the King's Uſe, ſhall certify, under their Hands, or the Hands of the major Part of them, to be Debts juſtly due, and Contracts entered into for the King's Service, and properly chargeable to this Province; and alſo for defraying the Expence that hath or ſhall accrue for, or by Reaſon of the Maintaining and Supporting the poor Perſons, late Inhabitants of *Nova-Scotia*; and alſo ſuch Certificates and Draughts as have been heretofore made by Order of Aſſembly on the ſaid Provincial Treaſurer for Services done the Publick, which yet remain unpaid, through a Deficiency of Money in the Provincial Treaſurer's Hands as aforeſaid.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, that all the Fines and Forfeitures, impoſed and ariſing by Virtue of this Act, ſhall be levied and recovered in the ſame Manner as the Fines and Forfeitures inflicted by the herein before mentioned Act for raiſing County Rates and Levies are directed to be recovered, and ſhall be paid and added to the Sum to be raiſed, levied, aſſeſſed and collected, by Virtue of this Act, for the Purpoſes herein before mentioned.

Proviſo in Caſe of Deficiency or Overplus.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if the yearly Taxes, to be levied by Virtue of this Act, ſhall not be ſufficient to raiſe the ſeveral Sums of Money by the Acts of Aſſembly of this Province herein before mentioned and continued, and by this Act granted to His Majeſty's Uſe, and defray all incident Charges; in ſuch Caſe a further Tax or Taxes ſhall be laid and levied in the ſucceeding Year or Years, in the ſame Manner as Taxes are directed to be laid and levied by Virtue of this Act, until the ſaid ſeveral Sums, granted to His Majeſty's Uſe as aforeſaid, be fully compleated. And if the ſaid Taxes ſhall produce more than the Sums ſo as aforeſaid granted to His Majeſty's Uſe, the incident Charges being defrayed, the Overplus thereof ſhall remain in the Provincial Treaſurer's Hands, to be diſpoſed of by Act of General Aſſembly of this Province.

April 22.

Paſſed ~~August~~ 19th, 1758. Recorded A. Vol. 4. p. 34.

LXXIII. *An* ACT *for granting to his Majeſty a Duty of Tonnage upon Ships and Veſſels: and alſo certain Duties upon Wine, Rum, Brandy, and other Spirits, and a Duty upon Sugar, for ſupporting and maintaining the Provincial Ship of War, for protecting the Trade of this Province, and other Purpoſes for his Majeſty's Service.*

Preamble.

WHEREAS notwithſtanding the large Sums of Money already expended by this Province in purchaſing equipping, and fitting out a Ship of War for protecting the Trade thereof, and for annoying his Majeſty's Enemies upon the Coaſt; yet foraſmuch as the Supplies heretofore granted to his Majeſty are wholly expended, and it is abſolutely neceſſary that a further Sum of Money be raiſed for fitting out and maintaining the ſaid Ship of War, to protect the Trade of this Province, and annoy the Enemy's Privateers, that may infeſt our Coaſt in Search of Proviſions, or for other Purpoſes during the enſuing Year; we have freely and voluntarily reſolved to give and grant to his Majeſty, for the Uſes and Purpoſes aforeſaid, a Duty of Tonnage, and other Rates and Duties herein after mentioned; and do pray that it may be enacted; AND BE IT ENACTED by the Honourable *WILLIAM DENNY*, Eſq; Lieutenant Governor under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That from and after the Publication of this Act, to the Thirty-firſt Day of *December*, One Thouſand Seven Hundred and Sixty, there ſhall be laid, raiſed, collected and paid, a Duty of Tonnage upon all Ships, Sloops, and other Veſſels, coming into, or going out of this Province (Shallops and other ſmall Veſſels, trading within the River and Bay of *Delaware*, and along the Coaſt as far as *Sandy-Hook* to the Eaſtward, and as far as *Indian-River* to the Southward, only excepted) that is to ſay, for every Ton of the Burthen or Contents of any of the ſaid Ships or Veſſels, the Sum of *One Shilling and Six-pence per* Ton, to be accounted, taken and paid, according to the Meaſure of every ſuch Ship or Veſſel; which ſhall be made and taken by the Perſon hereafter appointed Collector of the ſaid Duty of Tonnage in the Port or Place where they ſhall arrive, enter, or clear; and the ſaid Maſters or Owners ſhall, within Forty-eight Hours after the Arrival of any ſuch Ships or Veſſels at the Port or Places of their Diſcharge or Unloading in this Province, cauſe or procure ſuch Ships or Veſſels to be entered in the ſaid Collector's Office, appointed by this Act for collecting the ſaid Duties of Tonnage, and at the Time of ſuch Entry, and before he or they preſume to break Bulk, or unload, ſhall either immediately pay to the ſaid Collector the Sums of Money due and payable for the Tonnage of all ſuch Ships or Veſſels, or otherwiſe ſhall give good and ſufficient Security by Bond to the ſaid Collector, with Surety to be approved of by him, to pay the ſaid Duties of Tonnage to the ſaid Collector, for the Uſes aforeſaid, within the Space of ſix Weeks after the Arrival of ſuch Ship or Veſſel.

Duty of Tonnage eſtabliſhed.

To be paid or ſecured before unloading.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Maſters of all Ships and Veſſels, in any Port of this Province, after the paſſing of this Act, and of all Veſſels built in this Province during the Continuance thereof ſhall, before they clear out at the Office of the Collector of the King's Cuſtoms, pay, or otherwiſe ſufficiently ſecure to the Officer aforeſaid, the Duties and Sums of Money which ſhall be due for Tonnage impoſed by Virtue of this Act.

and before clearing out any Veſſel.

AND, to the End the good Intent of this Act may not be defeated, BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Officer, belonging to His Majeſty's Cuſtoms in this Province, ſhall clear any Veſſel, liable by this Act to the ſaid Duty of Tonnage, before it ſhall appear to ſuch Officer, by a Certificate or Receipt, under the Hand of the Perſon hereby appointed to receive the ſaid Duty, that the ſame is paid and diſcharged, or otherwiſe ſecured to be paid for ſuch Veſſel, every ſuch Officer of the Cuſtoms ſo clearing ſuch Veſſel, without ſuch Certificate or Receipt as aforeſaid, ſhall forfeit and pay the Sum of *Fifty Pounds* for every ſuch Offence, to be recovered and applied in the Manner, and for the Purpoſes herein after directed.

Penalty on clearing the ſame without Certificate of the Duty being paid, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That for preventing Diſputes concerning the Contents of Veſſels, hereby made liable to the ſaid Duty of Tonnage, the ſaid Tonnage ſhall be meaſured and computed in Manner following; that is to ſay, Every ſingle decked Ship or Veſſel ſhall be meaſured by the Length of the Keel, taken within Board, ſo much as ſhe treads upon the Ground; and the Breadth to be taken within Board by the Midſhip-beam, from Plank to Plank; and the Depth of the Hold, from the Plank below the Kelſon, to the under Part of the Deck Plank: then multiply the Length by the Breadth, and the Product thereof by the Depth, and divide the whole by Ninety-five, and the Quotient ſhall give the true Contents of the Tonnage of ſuch ſingle decked Veſſel. And for two decked Ships, which carry Goods between Decks, every ſuch two decked Ship or Veſſel ſhall be meaſured in the Manner herein after directed; that is to ſay, The Breadth to be taken within Board by the Midſhip Beam, from Plank to Plank, multiplied by the Length of the Keel, to be meaſured as herein after directed, and the Product thereof multiplied by one Half of the Breadth on the midſhip Beam as aforeſaid; the whole divided by Ninety-five, the Quotient ſhall be, and is hereby declared to be the Contents of the Tonnage of every ſuch two decked Ship or Veſſel. And in order to find the Length of the Keel, the Length of every ſuch two decked Ship or Veſſel ſhall be taken on the Gun Deck, from the Fore-part of the Stem to the After-part of the Stern-poſt; then, deducting four Inches from every Foot of the Height of the Stern-poſt, for the Rake thereof, and three Fifths of the Breadth of the Beam for the Rake of the Stern, the Remainder ſhall be the Length of the Keel ſtrait Rabbet; according to which Method and Rule, all Ships and Veſſels ſhall be meaſured, and the ſeveral Duties of Tonnage thereby computed and collected accordingly, any Law, Cuſtom, Practice or Uſage to the contrary notwithſtanding.

Manner of Meaſuring and computing the Tonnage.

Duties on Wine, Rum, Brandy and other Spirits, and Sugar.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That for all Wine, Rum, Brandy and other Spirits, and Sugar, which shall be imported, landed or brought into any Port or Place belonging to this Province at any Time from and after the Publication of this Act, to the Thirty-first Day of *December*, in the Year of our Lord One Thousand Seven Hundred and Sixty, there shall be duly levied, collected and paid, the several Rates and Duties hereafter mentioned; that is to say, For every Pipe of *Madeira* Wine, the Sum of *Thirty Shillings*, and for every Pipe of *Fyall*, or other Wine, the Sum of *Thirty Shillings*; and so after the same Rate for any greater or lesser Quantity; and for all Rum, Brandy, and other Spirits imported as aforesaid, within the Time aforesaid, *One Penny per* Gallon; and for all Loaf Sugar (except such as shall be imported from *Great-Britain*) the Sum of *Three Shillings per* Hundred Weight; and for all Muscovado and other Sugar, *One Shilling per* Hundred Weight.

Importers of Wine, &c. to make Entry with the Officer, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that all Merchants, Masters of Vessels, and other Persons whatsoever, who shall import, or cause to be imported, or brought into any Port, Creek or Harbour, or Place belonging to this Province, any Wine, Rum, Brandy or other Spirits, or Sugar, shall not only make Report to his Majesty's Collector, according to Law, but shall likewise, within Forty-eight Hours after the Importation or bringing in of the same, make Entry thereof with the Collector herein after appointed to collect the said Duties, and give, or cause to be given to him, upon Oath or Affirmation, a just and true Invoice, Manifesto and Account of all the said Liquors and Sugar so by him or them imported or brought in as aforesaid, with the particular Marks, Numbers, Qualities, and Contents of the Casks, to the best of his or their Knowledge.

Penalty on Masters of Vessels unloading Wine, &c. before Entry made.

AND BE IT ENACTED by the Authority aforesaid, that if any Master or Commander of any Ship, Sloop, or other Vessel, so importing or bringing in any of the Liquors or Sugar aforesaid, shall unload or put on board any Lighter, Shallop, Boat or Bottom whatsoever, or lay on Land, or suffer to be discharged out of any Ship, Sloop, or other Vessel aforesaid, any of the Liquors or Sugar aforesaid, before the said Master or Commander of the Vessel importing the same, hath delivered to the said Collector an Account or Manifesto of the said Liquors and Sugar imported as aforesaid, every such Master or Commander shall forfeit and pay the Sum of *Five Hundred Pounds*: And all Masters, Skippers or other Owners of Shallops, Lighters, Boats or small Craft of any Kind, who shall be aiding or assisting in landing or discharging from any Ship or Vessel whatsoever, any Wine, Rum, Brandy, Spirits or Sugar, made subject to the Duties by this Act imposed, before they are entered with the Collector of the said Duties as aforesaid, shall each of them forfeit and pay the Sum of *Twenty Pounds*, to be recovered, received, and disposed of as is herein after directed.

Time limited for Importers of Liquors, &c. to pay the Duties.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That every Importer, Owner, or Claimer of such Liquors, or Sugar, shall immediately pay the said Duties hereby imposed, or otherwise become bound to the said Collector of the Duties imposed by Virtue of this Act for the Time being with one or more sufficient Sureties, to answer and pay the respective Rates and Duties hereby imposed, within six Weeks after the Date of such Obligation, for which Bond the Collector shall have and receive of the Party *One Shilling*, and no more.

Liquors, &c. unladen, &c. to be forfeited.

AND if any of the said Liquors or Sugar shall be imported, unladen or landed as aforesaid, without paying, or giving Security for the Payment of the said Duties in Manner aforesaid, that then the said Liquors and Sugar so imported, unladen or landed, or the Value thereof (if the same cannot be found) shall be forfeited by the Owner, Claimer, or Receiver thereof.

Officers impowered to search for Liquors &c. concealed.

AND BE IT ENACTED by the Authority aforesaid, That the said Officer hereinafter appointed to collect the said Duties arising hereby, shall have full Power and Authority, by Virtue of this Act, without any further or other Warrant, to enter on board any Ship or Vessel, and into any House, Shop, Cellar, Warehouse, Room, or other Place whatsoever, where he shall suspect any of the said Liquors or Sugar to be concealed, and make Searches, and do all other Matters and Things which shall tend to secure the true Payment of the Duties by this Act imposed, and the due and orderly Collection thereof: And in case of Opposition or Refusal, with the Assistance of the Sheriff, Water-Bailiff, Constable, or other Officer, who, without any further or other Warrant, are hereby enabled and required, under the Penalty of *Ten Pounds* for every Refusal or Neglect in that Behalf, to be aiding and assisting to the said Collector to seize the said Liquors or Sugar which shall be concealed, or endavoured so to be as aforesaid; and for that End, in the Day Time, to break open Doors, and remove other Obstacles, and do and perform all other Act and Acts which by this Act are required to be done for collecting, receiving and recovering any of the said Duties, Penalties, or Forfeitures, and for making Seizures of any of the said Liquors or Sugar, upon which the said respective Duties are hereby imposed, which shall be run, landed, or brought in, without making Entries, and paying or securing the said Duties, in as full and ample Manner, to all Intents and Purposes, as any of the Collectors of the King's Customs may or can do by the Laws of *Great-Britain*.

Masters or Owners of Vessels trading in Delaware R. to comply with this Act.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all Masters of Vessels, Owners and other Persons, trading in the River *Delaware*, and entering into any Port or Place of this Province, having on board of any Ship, Sloop, Shallop or other Vessel or Vessels whatsoever, any of the Liquors or Sugar which by this Act are liable to pay the said Duties, shall, and they are hereby required and enjoined to observe and comply with the Directions of this Act, in the same Manner as if such Vessels came from Sea directly.

Manner of recovering Fines, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all the Fines, Forfeitures and Penalties herein and hereby inflicted and appointed to be set and imposed, shall be levied, received and recovered by the said Collector herein after appointed, by Bill, Plaint, or Information, wherein no Essoin,

Eſſoin, Protection, or Wager of Law, nor any more than one Imparlance ſhall be allowed: And one Moiety thereof ſhall be paid to the Provincial Treaſurer for the Time being, and applied to and for the Support of the ſaid Ship of War; and the other Moiety thereof to and for the Uſe of the Collector or Proſecutor.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That *Richard Pearne*, of *Philadelphia* County, ſhall be, and is hereby appointed Collector of the Duties and Sums of Money due and payable for the Tonnage of all Ships and Veſſels chargeable by this Act; and of the Rates and Duties on all Wine, Rum, Brandy, or other Spirits, and Sugar, hereby impoſed; and Receiver of all Fines, Forfeitures and Penalties herein before appointed to be levied and recovered by Virtue of this Act; and is hereby impowered, from time to time, to meaſure all Veſſels, and take all Bonds herein required to be given as aforeſaid, and to adminiſter every Oath or Affirmation appointed to be taken and given; and to appoint, conſtitute and make Deputies, as many as ſhall be neceſſary for the effectual Execution of this Act. Appointment of the Collector.

PROVIDED ALWAYS, AND BE IT HEREBY ENACTED, That if the ſaid Collector, or any other Perſon or Perſons, ſhall be ſued or proſecuted for any Thing done in Purſuance of this Act, he or they ſo ſued or proſecuted may plead the general Iſſue, and give this Act and ſpecial Matter in Evidence for their Juſtification; and if, upon Trial thereof, a Verdict ſhall be given, or that the Plaintiff or Proſecutor ſhall become Nonſuit, or ſuffer a Diſcontinuance, the Defendant or Defendants in ſuch Action ſhall recover treble Damages, and full Coſt of Suit.

PROVIDED ALSO, That no Collector, or other Officer, ſhall be liable to be ſued for any Thing done in Purſuance of this Act, unleſs ſuch Suit be commenced within twelve Months next after the ſuppoſed or pretended Injury ſhall be done or committed.

AND the ſaid Collector ſhall keep fair and true Accounts in Writing of all his Doings relating to the Premiſes, which he ſhall, from time to time, ſubmit to the View and Inſpection of the Commiſſioners hereein after appointed, and lay the ſame before the Aſſembly, when thereunto required. Who is to ſubmit his Accounts to the Commiſſioners, &c.

AND the ſaid Collector ſhall once in ſix Weeks, or oftner, if required, during the Continuance of this Act, pay to the Provincial Treaſurer, for the Time being, all ſuch Sums of Money which he ſhall receive by Virtue of this Act, and ſhall be allowed for his Trouble, in executing the Duties hereby enjoined, *Five per Centum* for receiving and paying: PROVIDED ALWAYS, That the ſaid Collector, before he enters upon the Execution of his Office, ſhall take an Oath or Affirmation, and ſhall alſo become bound, with one or more ſufficient Sureties, in the Sum of *One Thouſand Pounds* to the Governor or Commander in Chief of this Province for the Time being, conditioned for the true and faithful Execution of his ſaid Office. And in caſe of the Death or Removal of the ſaid Collector, the Commiſſioners herein after named, or a Majority of them, or of the Survivors of them, ſhall appoint another to ſupply his Place, from time to time, until one ſhall be appointed by Act of Aſſembly, who ſhall take an Oath, and give Security, in the Manner herein before directed, and thereupon ſhall have the ſame Power and Authority as the ſaid *Richard Pearne* hath, or ought to have, and ſhall execute, do and perform all the Duties by this Act directed or required. To pay to the Provincial Treaſurer. To be qualified and give Bond.

AND if any of the Liquors or Sugar, ſo to be imported as aforeſaid, ſhall be ſeized in Purſuance of this Act, and a Doubt or Queſtion ſhall ariſe whether the ſaid Liquors or Sugar are liable to pay the ſaid reſpective Duties, the Proof that they are not liable to pay the ſaid Duties ſhall lie upon the Importer, Poſſeſſor or Claimer, and not on the Collector, Informer or Proſecutor.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all the Monies ariſing by Virtue of this Act, ſhall be paid into the Hands of the Provincial Treaſurer for the Time being, and ſubject to the Draughts of *Thomas Yorke*, *Thomas Willing*, *James Child*, *Daniel Rundle*, and *Peter Chevalier*, junior, who, or the major Part of them, or of the Survivors of them, with the Conſent and Approbation of the Governor or Commander in Chief of this Province for the Time being, and not otherwiſe, ſhall order and appoint the Diſpoſition of all the Monies ariſing, or that ſhall come to their Hands by Virtue of this Act, for and towards equipping, ſupporting and maintaining the Province Ship of War: And that the Receipt or Receipts of the ſaid Provincial Treaſurer for the Time being to the ſaid Collector appointed by this Act, ſhall diſcharge him of and from ſo much of the ſaid Duties as may or ſhall be in ſuch Receipts expreſſed: And the ſaid Receipts to the ſaid Collector hereby appointed, ſhall be by him produced to the Committees of Aſſembly for the Time being, and be allowed in the Settlement of the ſaid Collector's Accounts. Commiſſioners appointed.

AND the ſaid Commiſſioners, for their Trouble in diſcharging the Duties required of them by this Act, ſhall have and receive *One per Centum*, on the whole of the Monies by them received and paid, and no more; and the ſaid Provincial Treaſurer ſhall have and receive for his Trouble the Sum of *Ten Shillings* for every *Hundred Pounds*, by him received and paid.

AND the better to enable the ſaid Commiſſioners immediately to equip, and fit out the ſaid Ship of War, and to effectuate other the immediate Purpoſes of this Act, BE IT ENACTED by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon or Perſons whatſoever to advance and lend to the ſaid Commiſſioners any Sum or Sums of Money, not exceeding in the whole the Sum of *Five Thouſand Pounds*, lawful Money of this Province, which Sum or Sums of Money, the ſaid Commiſſioners are hereby authorized and impowered to borrow and receive for the Uſes, Intents and Purpoſes aforeſaid: And the ſaid Lenders ſhall have and receive, for the Uſe and Forbearance of their reſpective Loans, until the ſame ſhall be repaid and diſcharged, Intereſt, not exceeding *Six per Centum*; and that every ſuch Lender ſhall immediately have and receive a Note and Certificate in Writing of and for the Sum by him lent, with Who are impowered to borrow Money on Intereſt.

with the Intereſt payable thereon, ſigned by the ſaid Commiſſioners; which Note and Certificate ſhall be regiſtered in a Book to be kept for that Purpoſe: And that the ſaid Commiſſioners ſhall, and they are hereby enjoined and required, as ſoon as they ſhall receive a ſufficient Sum of Money of and from the ſaid Collector, hereby appointed, to pay off and diſcharge the Sum and Sums of Money by them borrowed and received for the Uſes, Intents and Purpoſes aforeſaid, that they ſhall forthwith tender, pay off, and diſcharge to the ſaid Lenders their ſeveral and reſpective Sums of Money ſo lent, with the Intereſt thereof, and thereupon take Receipts and Diſcharges for the ſame.

Proviſo in Caſe of Deficiency or Overplus,

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if the Duties ariſing by Virtue of this Act ſhall not be ſufficient to defray the Expences of the ſaid Ship of War, then the Deficiencies thereof ſhall be ſupplied out of the Monies hereafter to be granted to His Majeſty's Uſe for the Purpoſes aforeſaid: And if the ſaid Rates and Duties hereby granted to the King's Uſe, ſhall at the Expiration of this Act amount to a greater Sum than is neceſſary for equipping and maintaining the ſaid Ship of War, then, and in ſuch Caſe, the Surplus of all ſuch Monies ſhall be paid into the Hands of the Provincial Treaſurer, to be applied towards ſinking the Sums of Money heretofore granted to His Majeſty's Uſe.

Paſſed *April* 29th, 1758. Recorded A. Vol. 4. p. 57.

LXXIV. *An* ACT *for extending ſeveral Sections of an Act of Parliament, paſſed in the Thirtieth Year of the preſent Reign, intituled, "An Act for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters."*

Paſſed *April* 29th, 1758. --*Expired.* -- Recorded A. Vol. 4. p. 56.

LXXV. *A SUPPLEMENT to the* ACT *intituled, "An Act for regulating the Hire of Carriages, to be employed in his Majeſty's Service."*

XXXII. GEO. II.

Paſſed *Sept.* 20th, 1758. ---*Expired.*--- Recorded A. Vol. 4. p. 77.

LXXVI. *An* ACT *for the Continuance of an Act of Aſſembly of this Province, intituled, "A Supplementary Act to the Act intituled, An Act for preventing the Exportation of Bread and Flour not merchantable;" and for the new Appointment of Officers to put the ſaid Law in Execution.*

Paſſed *Sept* 27th, 1758. ---*Expired.*--- Recorded A. Vol. 4 p. 79.

LXXVII. *An* ACT *in Addition to an Act intituled, "An Act for regulating the Hire of Carriages, to be employed in his Majeſty's Service."*

Paſſed *Sept.* 29th, 1758. --*Expired.*--- Recorded A. Vol. 4. p. 81.

LXXVIII. *An* ACT *for granting to his Majeſty the Sum of* One Hundred Thouſand Pounds, *and for ſtriking the ſame in Bills of Credit, in the Manner herein after directed, and for providing a* A.D. 1759. *Fund for ſinking the ſaid Bills of Credit, by a Tax on all Eſtates real and perſonal, and Taxables, within this Province.*

Preamble.

WHEREAS the large Supplies heretofore granted to his Majeſty's Uſe, are now expended; and further Aids are become abſolutely neceſſary for the Defence of this Province, and for aſſiſting in the vigorous Meaſures, which are now proſecuting by our moſt gracious Sovereign for our Defence, and that of his other Colonies in *America*: And notwithſtanding this young Colony is now under a very heavy Debt, occaſioned by the large Supplies already granted to the King's Uſe, and ſubject to Taxes which its Inhabitants are ſcarcely able to diſcharge, yet as his Majeſty is graciouſly pleaſed and determined to ſet on Foot ſuch offenſive Operations as ſhall be moſt efficacious towards removing the Dangers that threaten his Colonies, and reduce his Enemies in *America*, we the Repreſentatives of the Freemen of the Province of *Pennſylvania*, being earneſtly deſirous to co-operate with, and ſecond, to the utmoſt of our Abilities, the large Expence and extraordinary Succours ſupplied by our Mother Country, have chearfully and voluntarily given and granted,

100,000l. given to the King's Uſe,

and do hereby give and grant unto his Majeſty, the Sum of *One Hundred Thouſand Pounds*, over and above the ſeveral Sums heretofore given and granted to the King's Uſe, and do pray that it may be graced, AND BE IT ENACTED by the Honourable *WILLIAM PENN*, Eſq; Lieutenant Governor under the Honourable THOMAS PENN and RICHARD PENN Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That the Sum of *One Hundred Thouſand Pounds*, in Bills of Credit, ſo as aforeſaid to be ſtruck by Virtue of this Act, in the Manner herein after mentioned, ſhall be given to the King's Uſe; and to the End the ſaid *One Hundred Thouſand Pounds* in Bills of Credit ſo as aforeſaid ſtruck, may be duly and fully ſunck and deſtroyed, BE IT FURTHER ENACTED by the Authority aforeſaid, That there ſhall be levied on all the Eſtates, real and perſonal, within this Province, of all and every Perſon and Perſons (the Eſtates of the Proprietaries not excepted) the Sum of *Eighteen Pence* for every *Pound* clear yearly Value of the ſaid Eſtates, as the ſaid yearly Value of the Rents ariſeth out of the Premiſes, or otherwiſe to be eſtimated by the Aſſeſſors, according to their beſt Diſcretion and Judgment, having reſpect to the Quantity and Value of the unimproved Parts of the ſame; as alſo upon all located unimproved Tracts of Land, to be aſſeſſed

Rates of Aſſeſſment, &c,

ſed and rated in the Manner herein after mentioned, to be paid by the Owners or Poſſeſſors in the Manner herein directed: And that every ſingle Freeman, whether reſiding with his Parents or elſewhere, who at the Time of the Aſſeſſment ſhall be of the Age of Twenty-one Years, or hath been out of his Apprenticeſhip or Servitude for the Space of Six Months, and is not otherwiſe rated by Virtue of this Act *Fifteen Pounds*, ſhall pay the Sum of *Twenty Shillings*, except ſuch as ſhall be actually engaged in his Majeſty's Service as Soldiers, during the Time for which any Part of the Tax ſhall be levied.

The Tax to continue till the 10th of March, 1767.

ALL which ſaid ſeveral Sums ſo to be raiſed as aforeſaid, ſhall be aſſeſſed and levied from and after the tenth Day of *March*, in the Year of our Lord One Thouſand Seven Hundred and Sixty-four, and ſhall be collected and paid as is herein after directed, on or before the tenth Day of *March*, One Thouſand Seven Hundred and Sixty-ſeven, in the ſame Manner as the Money given and granted to the King's Uſe in and by an Act of General Aſſembly of this Province, paſſed in the Twenty-ninth Year of the preſent Reign intituled, "*An Act for granting the Sum of* Sixty Thouſand Pounds *to the King's Uſe, and for ſtriking* Fifty-five Thouſand Pounds *thereof in Bills of Credit, and to provide a Fund for ſinking the ſame*," is directed, and every Article, Clauſe and Thing therein contained, concerning the aſſeſſing and levying the Taxes therein mentioned, and the Duties of the ſeveral Officers, and the Allowances for their Trouble enjoined them by the ſaid Act, and the Penalties and Forfeitures for Refuſal or Neglect thereof, ſhall be uſed, exerciſed and put in Practice, for aſſeſſing and levying the Tax hereby impoſed, and for diſcharging the reſpective Duties and Offices thereof, as if the ſame Articles, Clauſes and Things were inſerted in this Act, except in ſuch Caſes as are herein aſcertained, provided for, or altered.

Freeholders to meet on the 27th of September, and chuſe Aſſeſſors for their reſpec. Townſhips, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, that the Freeholders, and others, qualified to elect Members of Aſſembly, of every Townſhip and Borough in each County within this Province, and of every Ward in the City of *Philadelphia*, ſhall meet together on the Twenty-ſeventh Day of *September* next, and ſo on the ſame Day in the ſame Month every Year, during the Continuance of this Act, unleſs the ſame Day ſhall happen to be on *Sunday*, and then on the Day before, and between the Hours of Nine in the Forenoon, and Three in the Afternoon, chuſe, by way of Ballot, or by Tickets in Writing, one diſcreet and reputable Freeholder, who may be ſuppoſed to be beſt acquainted with the Eſtates and Circumſtances of the Inhabitants, and reſiding within the ſaid Townſhip, Borough or Ward, for an Aſſeſſor, whoſe Name ſhall be returned in Writing, under the Hands of two or more of the Electors, to the Sheriff of the reſpective County, on or before the firſt Day of *October* next following, by the Conſtable of the ſaid Townſhip, at the ſame time he ſhall return the Inſpector, directed to be choſen on the ſame Day by a Law of this Province now in Force; and the ſaid Sheriff ſhall deliver in Writing, within five Days after the Receipt of ſuch Return, the Names of the Perſons ſo choſen and returned for Aſſeſſors, to one or more of the Commiſſioners of the ſaid County, under the Penalty of *Twenty Pounds;* which ſaid Aſſeſſor, ſo choſen as aforeſaid, for the reſpective Townſhip, Borough or Ward, ſhall and is hereby enjoined and required to go to the Place or Places of Abode of all and every Perſon and Perſons reſiding therein, and make a faithful and diligent Enquiry into, and endeavour, by all the Ways and Means in his Power, to procure a true and exact Account of the real and perſonal Eſtates of every Inhabitant thereof, and the real Eſtates of Non-reſidents therein, and of the true Value of ſuch Eſtates.

County Commiſſioners and Aſſeſſors to divide their reſpective Counties into Diſtricts, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Commiſſioners of the reſpective Counties ſhall, within fourteen Days after the firſt Day of *October* next, give Notice in Writing to the County Aſſeſſors to meet them on a certain Day and Place, therein to be appointed, and then and there the ſaid Commiſſioners and Aſſeſſors ſhall proceed to divide their reſpective Counties into Diſtricts, allotting any Number of Townſhips, Boroughs or Wards, not exceeding five, lying neareſt to each other, into one Diſtrict, until the whole County ſhall be divided as aforeſaid. And they ſhall alſo then and there nominate and appoint the Day or Days on which the Aſſeſſors of each Diſtrict or Diviſion, ſo as aforeſaid made, ſhall attend, in order to join with and aſſiſt the County Aſſeſſors to rate and aſſeſs the Diſtrict for which they ſhall be ſo reſpectively choſen, and no other, which they the ſaid Aſſeſſors are hereby authorized, enjoined and required to do; of which Day or Days, and Place ſo appointed, the Commiſſioners are hereby commanded to give Notice in the Precepts herein after directed to be iſſued to the ſaid Aſſeſſors of the reſpective Townſhips, Boroughs or Wards. But before the ſaid Aſſeſſor ſo choſen for each Townſhip, Borough or Ward in the reſpective Counties, ſhall enter upon the Execution of the Duties enjoined and required of him by this Act, he ſhall, before ſome Magiſtrate of his County, take an Oath or Affirmation, that he will well and faithfully, to the beſt of his Skill, Judgment and Abilities, diſcharge and perform all and every the Acts and Duties hereby enjoined and required of him.

Aſſeſſors, to return all Perſons and Eſtates within their Townſhips, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Commiſſioners of the reſpective Counties, or any two of them, ſhall, within ten Days after the County is divided into Diſtricts, under the Penalty of *Fifty Pounds*, iſſue forth their Precepts, directed to the Aſſeſſor of every Townſhip within their County, requiring him to bring to the County Aſſeſſors, within four Weeks next after the Date of ſuch Precepts, fair and true Certificates in Writing, of the Names and Surnames of all and every the Perſons dwelling or reſiding within the Limits of that Townſhip, Ward, Borough or Place, with which he ſhall be charged, and the Names of all Freemen, Inmates, hired Servants, and all other Perſons reſiding or ſojourning in the ſame Townſhip, Ward, Borough or Place, together with an Account of what Tracts and Parcels of Land and Tenements they reſpectively hold; as alſo how many, and what Part of thoſe Tracts are ſettled, improved or cultivated, and how much of the ſaid Land is ſowed with Corn; how many bound Servants and *Negroes*, with their Ages, and what Stock of Cattle, Horſes, Mares, and Sheep they poſſeſs, and what Quitrents they reſpectively are liable to pay to the Proprietaries yearly within this Province: Alſo all Griſt-mills, Sawmills, and all other Mills, Forges, Furnaces, Mines,

House-rents, Ground-rents, Trades, or Occupations, and all Offices and Posts of Profit, Bodies politick and corporate, having Estate or Income (Hospitals and Charity Schools only excepted) together with what other Property they respectively hold; and also an Account of all such located Lands as belong to the Honourable the Proprietaries of this Province, or either of them; and such other Land as by the herein before mentioned Act for granting *Sixty Thousand Pounds* to the King's Use, and by this Act is particularly set forth and directed to be assessed, without Concealment, Fear, Malice, Favour or Affection.

County Assessors &c. shall rate the Districts.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Assessors of the respective Counties shall meet at the Day and Place to be appointed as aforesaid by the Commissioners Precepts, and then and there receive the Returns of the Assessors, so chosen by the Freeholders and Inhabitants of the respective Townships, Boroughs and Wards, and thereupon proceed in Conjunction with the Assessors of each respective District, who shall have the same Powers with the County Assessors to rate and assess the same Townships, Boroughs or Wards within the same District. And the said Rates and Assessments of one District being finished, they the said County Assessors, together with the Assessors elected by the Townships, Boroughs or Wards respectively, shall proceed to rate and assess another District in the same Manner, until they shall have rated and assessed the whole County, according to Justice and good Conscience. And the Assessors of each District shall, and they are hereby enjoined and required to attend on the Day of Appeal, which shall be appointed by the Commissioners for their respective Districts in the same Manner, and for the same Purposes, as the County Assessors are directed and required by the Act for raising County Rates and Levies.

Constables shall give Notice of the Townships neglecting to chuse Assessors.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any of the Townships or Boroughs within this Province, or any of the Wards of the City of *Philadelphia*, shall neglect or refuse to chuse an Assessor as is herein before directed, the Constable of every Township, Borough or Ward, so neglecting, shall forthwith, under the Penalty of *Ten Pounds*, give Notice thereof to the Commissioners of the respective County, who shall and they are hereby authorized and enjoined, as soon as may be, to make Choice of one Assessor residing in every Township, Borough or Ward, so as aforesaid neglecting; of which Choice, the said Commissioners shall forthwith give Notice to the Constable, and the said Assessor or Assessors, so as aforesaid appointed by the said Commissioners, shall be under like Qualifications, and have the same Powers and Authorities and shall perform all the Duties of Assessors, under the same Pains, Penalties and Forfeitures, as if the said Assessor or Assessors had been chosen by the major Vote of the Freeholders and Inhabitants of the respective Townships or Boroughs within this Province, or of the Wards of the City of *Philadelphia*, as is herein before directed.

Taxes laid by former Acts to be levied in the same Manas this Act directs.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Commissioners and Assessors of every County within this Province, together with the Assessors so chosen by the Freeholders and Inhabitants of each Township, Borough or Ward, shall proceed to assess, rate and levy the Taxes and Sums of Money which are by several former Laws directed to be assessed, raised and levied for sinking the Bills of Credit that have been heretofore struck and granted to his Majesty's Use, upon the same Returns of Property, and in the same Manner, as the Sum of *One Hundred Thousand Pounds*, hereby granted to the King's Use, is enjoined and directed to be assessed, raised and levied, and in no other Manner whatsoever.

County Assessors to make out Duplicates.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Assessors of the several Counties within this Province shall, and they are hereby enjoined and required, under the Penalty of *Fifty Pounds* each, after the Assessment of every Township in each respective County is made and finished, to deliver to the respective Commissioners true Transcripts of their said Assessments, certified under their Hands, together with the Quantity of all and every Tract of Land, and how much they are rated at *per* Hundred Acres; and also the Quantity of the personal Estate of all and every Person and Taxable in each and every Township within their Counties respectively, and in what Manner the same was rated and assessed, and an Account of all single Men rated *per* Head. All which said Transcripts, or Duplicates thereof, shall be by the Commissioners laid before the Assembly for the Time being, at their next Meeting after the said Assessments are regulated and adjusted by the Commissioners, under the Penalty of *Fifty Pounds* each, in order that the Representatives of this Province may inspect and consider the Equality of the said Assessments, in respect to the Proportions which the several Counties may bear one to the other, and conduct themselves accordingly.

Which shall be laid before the Assembly.

Unimproved City and Town lots made ratea ble.

AND whereas many valuable Lots of Ground within the City of *Philadelphia*, and the several Boroughs and Towns within this Province, remain unimproved; BE IT FURTHER ENACTED by the Authority aforesaid, That all such unimproved Lots of Ground, within the City and Boroughs aforesaid, shall be rated and assessed, according to their Situation and Value, for and towards raising the Money hereby granted, any thing in this Act, or any other Act of this Province, relating to the taxing of unimproved located Lands, contained to the contrary notwithstanding.

Commissioners, &c. dying, &c. to be replaced by the Survivors of them.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in case of the Death of any of the Commissioners or Assessors, or their Neglect or Refusal to act in Discharge of the Duties required of them by this Act; then, and in every such Case, the remaining Commissioners and Assessors of the respective County for the Time being, or the major Part of them, shall appoint others to supply the Place or Places of such as shall so die, neglect, or refuse to act, from time to time, as Occasion may require; which Commissioner and Assessor or Assessors so chosen, shall take the Oaths or Affirmations in the Manner prescribed to be taken by the Laws of this Province; and shall thereupon have all the Powers and Authorities, and shall perform all the Duties as Commissioners and Assessors chosen by the Direction of the Laws of this Province in the respective Counties, to all Intents and Purposes whatsoever: And the Commissioners who shall put this Act in Execution, instead of the Oaths or Affirmations prescribed to be taken by former Acts by the Commissioners and Assessors, shall take an Oath or Affirmation to the following Effect, *viz.*

YOU

YOU shall well and truly cause the Rates and Sums of Money, by Virtue of this Act imposed, to be duly and equally assessed and laid, according to the best of your Skill and Knowledge, so far as relates to the Duty and Office of a Commissioner, and herein you shall spare no Person for Favour or Affection, or grieve any for Hatred or Ill-will. Commissioners Qualification.

Which Qualification shall be administred as in and by the Act for raising County Rates is enjoined and required.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Commissioners and Assessors of the respective Counties, for the Time being, or the major Part of them, and no other, are hereby impowered and required, as often as there may be Occasion, during the Continuance of this Act, to chuse a Treasurer for each County, who shall have all the Powers, and shall be subjected to all the Duties, Penalties and Forfeitures, as by the Acts now in Force they are or ought to be invested with, or subjected to. Commissioners &c. to chuse a County Treasurer.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Provincial Treasurer, for the Time being, shall, out of the Monies paid into his Hands by Virtue of this Act, yearly, and every Year for the Space of three Years next ensuing the first Day of *October*, One Thousand Seven Hundred and Sixty-four, pay into the Hands of the Committees of Assembly, yearly appointed to settle the publick Accounts, the Sum of *Thirty-three Thousand Three Hundred and Thirty-three Pounds, Six Shillings and Eight-pence*, in Bills of Credit of this Province, which the said Committees are hereby enjoined and required yearly, during the said Term of three Years, to burn, sink and destroy. Yearly Payments of the Provincial Treasurer to the Committees of Assembly.

AND the Provincial Treasurer shall have and receive for his Care and Trouble the Sum of *Five Shillings* for every *Hundred Pounds*, he shall so receive and pay, and no more.

AND the Trustees of the General Loan-Office shall have and receive, for their Trouble in receiving and paying the Monies, and performing the Duties by this Act required, the Sum of *Three Shillings* for every *Hundred Pounds*, and no more. Treasurers, Trustees, Constables and Assessors Reward for their Trouble.

AND the Assessors, chosen as aforesaid, for their Care and Trouble in making the Returns, and attending the Assessors of the County, and other the Duties enjoined them by this Act, shall have and receive *Five Shillings per Diem*, and no more.

AND the County Assessors, for their Time and Labour in their Assessments, shall be allowed *Five Shillings per Diem*, and no more.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any of the Commissioners or County Assessors, or the Assessors of the several Townships, Boroughs or Wards, shall refuse or neglect to perform and discharge the Duties required of them by this Act, each and every of the said Commissioners or Assessors so refusing or neglecting, shall forfeit the Sum of *Fifty Pounds*. And the Commissioner or Commissioners, and County Assessors, who shall act, or a Majority of them, shall appoint some other fit Person or Persons in the Place or Stead of such as shall refuse or neglect to act as aforesaid, or of such as shall be rendered incapable by Sickness or other unavoidable Accident. And every Collector or Collectors, who shall neglect or refuse to take upon him or themselves the Trust and Duty required of him or them by this Act, he or they so refusing or neglecting, shall forfeit and pay to the County Treasurer the Sum of *Ten Pounds* each, and the Commissioners shall appoint some other fit Person or Persons in the Place or Stead of the Collector or Collectors so refusing or neglecting as aforesaid; all which said Fines and Forfeitures shall be levied in the same Manner that the Fines and Forfeitures imposed and inflicted by the Act for raising County Rates and Levies are directed; and when recovered, shall be added to the Provincial Stock. Penalty on Commissioners and Assessors, neglecting &c.

AND whereas in and by an Act of General Assembly of this Province, passed in the Twenty-ninth Year of the present Reign, intituled, *An Act for granting the Sum of* Sixty Thousand Pounds *to the King's Use, and for striking* Fifty-five Thousand Pounds *thereof in Bills of Credit, and to provide a Fund for sinking the same*, it was declared and enacted, that the Sum of *Fifty-five Thousand Pounds* in Bills of Credit, to be struck by Virtue of the said Act, should be given and granted to His Majesty's Use, and that to sink the same *Six-pence* in every *Pound* should be levied on the clear yearly Value of the Estates, real and personal of all and every Person and Persons within this Province (the Estates of the Proprietaries of this Province only excepted, in Consideration of their free Gift therein mentioned) and that *Ten Shillings, per* Head should be paid by every single Man: And whereas, in and by one other Act of General Assembly of this Province, passed in the Thirtieth Year of the present Reign, intituled, "*A Supplement to the same Act, and for granting to His Majesty the additional Sum of* One Hundred Thousand Pounds," the further Sum of *One Hundred Thousand Pounds* to be struck in Bills of Credit was given and granted to His Majesty's Use: And whereas in and by another Act of General Assembly, passed in the Thirty-first Year of the present Reign, intituled: "*An Act for granting the Sum of* One Hundred Thousand Pounds *to His Majesty's Use, and for striking the same in Bills of Credit*, &c," the further Sum of *One Hundred Thousand Pounds*, to be struck in Bills of Credit, was given and granted to His Majesty: And whereas, in and by the said two last recited Acts of General Assembly of this Province, the Estates of the Honourable THOMAS PENN, and RICHARD PENN, Esquires, Proprietaries of this Province, have been exempted from the Rates, Assessments, Levies, and Sums of Money directed thereby to be collected and raised for the sinking and destroying the Bills of Credit by Virtue of each of the said Acts respectively granted to His Majesty as aforesaid: And whereas it is but reasonable that the Estates of the said Proprietaries, upon a fair and equal Taxation thereof, should bear an equal and just Proportion of the said Sums of Money directed to be collected and raised for the Purposes aforesaid, BE IT THEREFORE ENACTED, by the Authority aforesaid, That a proportionable Part of the said several Sums of Money granted as aforesaid

to

The Proprietaries Eſtates to be taxed a proportionable Part of the ſeveral Sums granted to the King's Uſe,

to His Majeſty's Uſe, to wit, a proportionable Part of the ſaid *Fifty-five Thouſand Pounds*, and of the ſaid two ſeveral *One Hundred Thouſand Pounds*, reſpectively, ſhall be rated, aſſeſſed, and levied on the real and perſonal Eſtates of the Proprietaries aforeſaid, a due Regard being had as well to the ſaid Proprietary Eſtates as to all other the real and perſonal Eſtates in this Province, and to their Situations, Quantity, Quality and Value, any Thing in the ſaid recited Acts, or any other Act of Aſſembly, contained to the contrary, in any wiſe, notwithſtanding: And that the Commiſſioners and Aſſeſſors of the ſeveral Counties being aſſiſted as aforeſaid by the Aſſeſſors of each reſpective Diſtrict, ſhall proceed on the Receipt of the Returns of Property hereby directed to be made, to rate and aſſeſs the ſaid proportionable Part of the ſaid ſeveral Sums of Money, granted as aforeſaid, by the ſaid ſeveral and reſpective Acts of Aſſembly, on the Eſtates of the ſaid Proprietaries, in the ſame Manner as they are hereby enjoined and directed to rate and aſſeſs the Sum of *One Hundred Thouſand Pounds*, hereby granted to the King's Uſe, on the Eſtates of the ſaid Proprietaries, and the Inhabitants of this Province, and in no other Manner whatſoever, until the ſaid Bills of Credit, ſtruck by Virtue of the ſaid ſeveral recited Acts of Aſſembly, be fully ſunck and deſtroyed.

No Aſſeſſment to be levied on the Proprietaries Eſtates, till their ſeveral Aſſeſſments amount to 5,000 l.

PROVIDED NEVERTHELESS, That no Rate or Aſſeſſment made by Virtue of this Act, on the Eſtates of the Proprietaries, ſhall be levied or collected, before the Sum total of their ſeveral Aſſeſſments ſhall amount to the Sum of *Five Thouſand Pounds*, the free Gift before mentioned, and before the ſaid Commiſſioners ſhall receive a Certificate, herein after mentioned, from the Provincial Treaſurer for the Time being; and the ſaid Sum of *Five Thouſand Pounds*, given as aforeſaid by the Proprietaries to the Publick, ſhall be deemed, and is hereby declared to be in full Satisfaction of the like Sum of Money, ariſing on a fair and equal Taxation of their ſaid Eſtates as aforeſaid, and in Diſcharge of ſo much of their ſeveral Rates and Aſſeſſments to be made by Virtue of this Act, and no more.

Commiſſioners to return a true Tranſcript of each Rate and Aſſeſſment of the Proprietaries Eſtates to the Provincial Treaſurer, &c.

AND in order to aſcertain the Time when the ſaid Rates and Aſſeſſments of the Eſtates of the Proprietaries ſhall amount unto the ſaid Sum of *Five Thouſand Pounds*, and at what Time the Reſidue of the ſaid Proportion of the Proprietary Taxes, as well of the ſaid ſeveral Sums heretofore granted, as of the ſaid *One Hundred Thouſand Pounds* given and granted by Virtue of this Act, not paid or diſcharged by the ſaid free Gift, ſhall be collected and raiſed, BE IT ENACTED by the Authority aforeſaid, that the Commiſſioners of the ſeveral Counties ſhall, from time to time, as often as the ſaid Rates and Aſſeſſments of the ſaid Eſtates of the Proprietaries ſhall be laid by the Aſſeſſors, and adjuſted and rectified, if Occaſion be, by the ſaid Commiſſioners at their Day of Appeal, return a true Tranſcript of each Rate and Aſſeſſment reſpectively made of their ſaid Eſtates to the Provincial Treaſurer for the Time being, who, on Receipt thereof ſhall form and ſtate an Account between the ſaid Proprietaries and the Publick, charging the ſaid Proprietaries Debtors to the Publick for the ſeveral and reſpective Sums total of the ſaid Rates and Aſſeſſments, and giving them Credit by the ſaid Sum ſo given as aforeſaid to the Publick; and as ſoon as, and not before, the ſaid Rates and Aſſeſſments ſhall exceed the ſaid Sum of *Five Thouſand Pounds*, the ſaid Provincial Treaſurer ſhall, under the Penalty of *Twenty Pounds*, demand from time to time, the Reſidue of the ſaid Proportion of the Proprietary Taxes, of their Receiver-General for the time being; and in caſe he ſhall refuſe or neglect to pay the ſame for the Space of thirty Days after ſuch Demand, the ſaid Provincial Treaſurer ſhall certify the Sum due as aforeſaid, and ſuch Neglect or Refuſal, by his Certificates under his Hand and Seal, to the Commiſſioners of the reſpective Counties within this Province, who, upon Receipt of ſuch Certificate, are hereby enjoined and required to collect, raiſe and levy the Reſidue of the ſaid Proportion of the Proprietary Taxes, in the ſame Manner as they are enjoined and required to raiſe, levy and recover the Taxes which ſhall become due for the located and unimproved Lands directed to be rated and aſſeſſed in and by the ſaid recited Act, intituled, "*An Act for granting the Sum of* Sixty Thouſand Pounds *to the King's Uſe, and for ſtriking* Fifty-five Thouſand Pounds *thereof in Bills of Credit; and to provide a Fund for ſinking the ſame.*"

100,000 l. to be ſtruck in Bills of Credit.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That Bills of Credit, to the Value of *One Hundred Thouſand Pounds*, current Money of *America*, according to an Act of Parliament, made in the Sixth Year of the Reign of Queen *Anne*, for aſcertaining the Rates of foreign Coins in the Plantations in *America*, ſhall, within one Month next after paſſing this Act, be prepared and printed, on good ſtrong Paper, under the Care and Direction of the Truſtees of the General Loan-Office aforeſaid, the Charge whereof ſhall be paid by the Provincial Treaſurer out of the Monies ariſing from the next Tax raiſed and paid into his Hands after the Publication of this Act; which Bills ſhall be made and prepared in Manner and Form following, and no other, *viz.*

Form.

THIS *Bill ſhall paſs current for* *within the Province of* Pennſylvania, *according to an Act of Aſſembly, made in the Thirty-ſecond Year of the Reign of King* GEORGE *the Second. Dated the Twenty-fifth Day of April, One Thouſand Seven Hundred and Fifty-nine.*

AND the ſaid Bills ſhall have ſuch like Eſcutcheons as in the Margin hereof, with ſuch other Devices on the ſaid Bills as the ſaid Truſtees ſhall think fit, as well to prevent Counterfeits, as to diſtinguiſh their ſeveral Denominations: Each of which Bills ſhall be of the ſeveral and reſpective Denominations following, and no other, *viz.*

Number and Denominations thereof.

TEN Thouſand of the ſame Bills of the Sum of *Five Pounds.*

TEN Thouſand of the ſame Bills, of the Sum of *Two Pounds Ten Shillings.*

TEN

TEN Thouſand of the ſame Bills of the Sum of *Twenty Shillings*.

TEN Thouſand of the ſame Bills, of the Sum of *Fifteen Shillings*.

TEN Thouſand of ſame Bills, of the Sum of *Ten Shillings*.

AND *Ten Thouſand* of the ſame Bills, of the Sum of *Five Shillings*.

AND the Truſtees ſhall uſe the beſt of their Care, Attention and Diligence, during the Printing of the ſaid Bills, that the Number and Amount thereof, according to their reſpective Denominations aforeſaid, be not exceeded, nor any clandeſtine or fraudulent Practice be uſed by the Printer, his Servants, or others concerned therein.

AND for the perfecting the ſaid Bills, to make them current within this Province, according to the true Intent and Meaning of this Act, BE IT FURTHER ENACTED by the Authority aforeſaid, That all and every of the ſaid Bills ſhall be ſigned by the following Perſons, or any three of them, that is to ſay: *Peter Reeve, Henry Harriſon, Joſeph Saunders, Joſeph Morris, Charles Thomſon, Joſeph Stretch, Evan Morgan, Thomas Clifford, Daniel Williams, Thomas Gordon, John Ord, Thomas Tilbury; Robert Bulle, Richard Pearne, Joſeph Marriott, Peter Chevalier, James Wharton, Charles Jones, Samuel Morris, Luke Morris, James Child*, and *James Humphreys*, who are hereby nominated and appointed to be Signers of all the Bills of Credit to be emitted by Virtue of this Act, in the Manner herein before directed. And the ſeveral Signers ſhall, before they receive or ſign any of the ſaid Bills of Credit, take an Oath or Affirmation to the following Effect, *viz.* Signers Names.

THAT they ſhall well and truly ſign and number all the Bills of Credit that ſhall come to their Hands for that Purpoſe, by the Direction of this Act, and the ſame ſo ſigned and numbered, will deliver, or cauſe to be delivered, unto the Truſtees of the General Loan-Office of the Province of Pennſylvania, *purſuant to the Direction of this Act.* Their Qualification.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Truſtees, after the ſaid Bills are printed ſhall deliver them to the ſaid Signers, to be ſigned and numbered by Parcels; for which the ſaid Signers, or ſome of them, ſhall give their Receipt: Of all which Bills of Credit ſo delivered by the Truſtees to be ſigned, true Accounts ſhall be kept by the Signers, who, upon the Re-delivery of each, or any Parcel of the ſaid Bills of Credit by them ſigned and numbered to the Truſtees of the General Loan-Office, ſhall take the Receipt of the ſaid Truſtees, to charge them before any Committee of Aſſembly to be appointed for that Purpoſe. And the ſaid Signers ſhall have *Fifteen Shillings* a Piece for every Thouſand of the aforeſaid Bills by them reſpectively ſigned and numbered, to be paid by the Provincial Treaſurer out of the Monies ariſing from the next Tax raiſed and paid into his Hands after the Publication of this Act. And Allowance.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all the aforeſaid Bills of Credit, to be made as this Act directs, ſhall be current Bills of this Province until the tenth Day of *March*, in the Year One Thouſand Seven Hundred and Sixty Seven, and no longer. And as ſuch ſhall, during the ſaid Term, be received in Payment for the Diſcharge of all Manner of Debts, Rents, Sum and Sums of Money whatſoever, due, payable, or accruing upon any, or by Reaſon of any Mortgage, Bill, Bond, Specialty, Note, Book-Account, Promiſe, or other Contract or Cauſe whatſoever, as if the ſame were tendered or paid in the Coins mentioned in ſuch Bond or other Writing, Book-Account, Promiſe, Aſſumption, or any other Contract or Cauſe whatſoever, and at the Rates aſcertained in the ſaid Act of Parliament, and ſhall be ſo received in all Payments by all Perſons whatſoever. The Bills to be current till March, 1767.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon or Perſons ſhall preſume to counterfeit any of the ſaid Bills of Credit made current by this Act, or ſhall be aiding or aſſiſting therein, or ſhall enlarge the Sum expreſſed in any of the ſaid Bills, or ſhall utter, or cauſe to be uttered or offered in Payment any ſuch Bill or Bills, knowing the ſame to be forged or counterfeited, or the Sum or Value therein altered, with an Intent to defraud any other Perſon, he, ſhe or they ſo offending, and being thereof legally convicted, ſhall, for every ſuch Offence, incur and ſuffer the ſame Pains and Penalties reſpectively, as Forgers, Counterfeiters, or Alterers of Bills, by former Acts of Aſſembly now in Force, or any of them, are directed to incur and ſuffer: And the Diſcoverer or Proſecutor, by Virtue of this preſent Act, ſhall be intitled to like Rewards, as by the ſaid former Acts, or any of them, are directed, in reſpect to the Bills thereby made current. Puniſhment of Counterfeiters and Alterers, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That *Lyn-Ford Lardner, Thomas Cadwallader, Joſeph Fox, John Hughes, William Maſters, Joſeph Galloway* and *John Baynton*, Eſquires, or the major Part of them, or of the Survivors of them, with the Conſent and Approbation of the Governor, or Commander in Chief of this Province for the Time being, ſhall order and appoint the Diſpoſition of the Monies ariſing by Virtue of this Act for and towards raiſing, paying and cloathing Two Thouſand Seven Hundred effective Men (Officers included) to act in Conjunction with a Body of His Majeſty's *Britiſh* Forces, and the Forces of *Virginia, Maryland*, and the Lower Counties on *Delaware*, in ſuch offenſive Operations as ſhall be carried on and proſecuted by His Majeſty's Commander in Chief in theſe Parts, during the enſuing Campaign. Appointment of Commiſſioners.

AND that the ſaid *Lyn-Ford Lardner, Thomas, Cadwallader, Joſeph Fox, John Hughes, William Maſters Joſeph Galloway*, and *John Baynton*, Eſquires, or a Majority of them, ſhall, and they are hereby required, as often as there ſhall be Occaſion for Money for the Purpoſes aforeſaid, to draw Orders upon the Truſtees of the General Loan-Office; which Orders, ſo drawn and paid, ſhall be produced to the Committee of Aſſembly for the Time being, and by them allowed in Diſcharge of ſo much of the Money granted to the King's Uſe by Virtue of this Act: And the ſaid Commiſſioners, for their Trouble in diſcharging the

Duties of Commiſſioners, hereby required, ſhall have and receive the Sum of *One Hundred Pounds* each, and no more, to be paid in the Manner herein before directed for defraying the Charges ariſing on the printing and ſigning the Bills of Credit made current by Virtue of this Act.

AND whereas the Commiſſioners nominated and appointed by an Act of General Aſſembly of this Province, intituled, "*An Act for granting the Sum of* One Hundred Thouſand Pounds *to His Majeſty's Uſe, and for ſtriking the ſame in Bills of Credit; and for continuing the ſeveral Acts of Aſſembly of this Province herein after mentioned, for ſinking the Bills of Credit ſo to be ſtruck, at the Times, and in the Manner herein after directed and appointed*," have, with the Conſent of the Governor already expended the ſaid Sum of *One Hundred Thouſand Pounds*, and have entered into Contracts for the King's Service, in the Defence of this Province, for the defraying whereof there are at preſent no ſubſiſting Funds: And whereas ſundry Certificates and Draughts, on the Provincial Treaſurer, by Order of Aſſembly, for Salaries of Officers, and Services done the Publick, remain yet unpaid, through a Deficiency of Money in his Hands, to ſuch Purpoſes appointed: Therefore, BE IT ENACTED by the Authority aforeſaid, That the Truſtees of the General Loan-Office ſhall, and they are hereby authorized and impowered, out of the Monies ariſing by Virtue of this Act, to pay and diſcharge all ſuch Debts and Contracts as the Commiſſioners, appointed by the Act herein before mentioned for granting *One Hundred Thouſand Pounds* to the King's Uſe, ſhall certify, under their Hands, or the Hands of the major Part of them, to be Debts juſtly due, and Contracts entered into for the King's Service, and properly chargeable to this Province; and alſo for defraying the Expence that hath or ſhall accrue for, or by Reaſon of the Maintaining and Supporting the poor Perſons, late Inhabitants of *Nova-Scotia*; and alſo ſuch Certificates and Draughts as have been heretofore made by Order of Aſſembly on the ſaid Provincial Treaſurer for Services done the Publick, which yet remain unpaid, through a Deficiency of Money in the Provincial Treaſurer's Hands as aforeſaid.

Debts contracted in purſuance of a former Act, to be diſcharged &c by this Act.

AND in order to prevent Impoſitions on the Soldiery in the purchaſing of their military Habits and cloathing, BE IT ENACTED by the Authority aforeſaid, That it ſhall and may be lawful to and for the Commiſſioners appointed by this Act, and they are hereby enjoined and required to agree with ſome Perſon or Perſons, to procure and purchaſe the neceſſary Cloathing for ſuch of the Men already raiſed, or directed to be raiſed by this Act for the enſuing Campaign, as ſhall ſtand in Need thereof, and apply for the ſame, and to allow him or them a reaſonable Commiſſion for his or their Trouble and Service in purchaſing the ſame, and ſuperintending the making and preparing of them fit for Uſe, not exceeding Two and an Half *per Centum*; which Perſon or Perſons ſhall ſettle his or their Accounts with the ſaid Commiſſioners; and the Expence of the ſaid Cloathing ſhall be deducted out of the Pay due to each reſpective Soldier, who ſhall be cloathed in Manner aforeſaid; and the Commiſſions ariſing thereon ſhall be paid and diſcharged out of the Sum hereby granted to the King's Uſe.

Commiſſioners to agree with Perſons to furniſh Cloathing for the Soldiery &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all the Fines and Forfeitures, impoſed and ariſing by Virtue of this Act, ſhall be levied and recovered in the ſame Manner as the Fines and Forfeitures inflicted by the herein before mentioned Act for raiſing County Rates and Levies are directed to be recovered, and ſhall be paid and added to the Sum to be raiſed, levied, aſſeſſed and collected, by Virtue of this Act, for the Purpoſes herein before mentioned,

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if the yearly Taxes to be levied by Virtue of this Act ſhall not be ſufficient to raiſe the full Sum of *One Hundred Thouſand Pounds* hereby granted to his Majeſty, and defray all incident Charges; in ſuch Caſe a further Tax ſhall be laid and levied in the ſucceeding Year or Years, in the ſame Manner as the ſaid three yearly Taxes are directed to be laid and levied, until the ſaid *One Hundred Thouſand Pounds* be fully compleated; and if the ſaid three yearly Taxes ſhall produce more than the ſaid *One Hundred Thouſand Pounds*, the incident Charges as aforeſaid being defrayed, the Overplus ſhall be diſpoſed of and appropriated towards making good and diſcharging any Deficiency or Deficiencies which have already accrued, or may hereafter accrue, upon any or either of the Acts of Aſſembly of this Province heretofore enacted for granting Money to the King's Uſe.

Proviſo in Caſe of Deficiency or Overplus.

Paſſed *April* 17th, 1759. Recorded A. Vol. 4 p. 83.

LXXIX. *A SUPPLEMENT to the Act, intituled, "An Act for preventing Abuſes in the* Indian *Trade, for ſupplying the* Indians, *Friends and Allies of* Great-Britain, *with Goods at more eaſy Rates, and for ſecuring and ſtrengthening the Peace and Friendſhip lately concluded with the* Indians *inhabiting the Northern and Weſtern Frontiers of this Province.*"

Preamble.

WHEREAS the late ſalutary and pacific Meaſures which have been purſued by this Government with the *Indians* on the Northern and Weſtern Frontiers, of this Province, and the Succeſs of his Majeſty's Arms in thoſe Parts, have procured the Friendſhip and Alliance of many diſtant and different Tribes of *Indians* to the *Britiſh* Intereſt: AND WHEREAS it is abſolutely neceſſary, in order to ſecure and firmly eſtabliſh the Peace and Friendſhip lately concluded with them, on the Part of *Great-Britain*, to ſupply the ſaid *Indians* with a ſufficient Quantity of neceſſary Goods at reaſonable Rates: AND WHEREAS the Sum which the Commiſſioners for *Indian* Affairs, nominated and appointed in and by the abovementioned Act, are impowered to borrow, is not ſufficient to anſwer the above Purpoſes, and other good Purpoſes mentioned and contained in the ſaid recited Act of Aſſembly, BE IT THEREFORE ENACTED by the Honourable *WILLIAM DENNY*, Eſq; Lieutenant Governor under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by

and

and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That it ſhall and may be lawful for any Perſon or Perſons whatſoever, to advance and lend to the ſaid Commiſſioners for *Indian* Affairs, any further Sum or Sums of Money, not exceeding in the whole the Sum of *Ten Thouſand Pounds*, lawful Money of this Province, over and above the Sum of *Four Thouſand Pounds* which they are, by the ſaid Act impowered and authorized to borrow; which ſaid Sum of *Ten Thouſand Pounds*, or ſo much thereof as they ſhall think it neceſſary to borrow, the ſaid Commiſſioners are hereby authorized and impowered to borrow and receive for the Uſes, Intents and Purpoſes contained and mentioned in this and the ſaid recited Act. And the ſaid Lenders ſhall have and receive, for the Uſe and Forbearance of their reſpective Loans, during the Continuance of this Act, and until the ſame ſhall be paid off and diſcharged, Intereſt not exceeding *Six per Centum per Annum:* And that every ſuch Lender ſhall have and receive a Note and Certificate in Writing of and for the Sum lent, with the Intereſt thereof ſigned by the ſaid Commiſſioners for *Indian* Affairs, which Note and Certificate ſhall be regiſtered in the Book by them kept for that Purpoſe: And that the ſaid Lenders ſhall be paid by the ſaid Commiſſioners for *Indian* Affairs yearly, and every Year, the Intereſt Monies ariſing on their reſpective Loans, out of the Profits and Gain accruing of and from the ſaid Trade; and if not ſufficient Profits or Gain, then out of the Capital Stock; and that at the Expiration and Determination of this Act, they the ſaid Commiſſioners, ſhall pay off and diſcharge all and every the ſaid Loans and principal Sums of Money to the ſeveral and reſpective Lenders, out of the Monies remaining in their Hands.

Commiſſioners authorized to borrow on Intereſt

Security for the Lenders.

AND in order more effectually to aſſure and ſecure to the ſaid Lenders their reſpective Sums of Money that ſhall be ſo lent and advanced, BE IT ENACTED by the Authority aforeſaid, That if by any Accident, Chance of War, or other Caſualty whatſoever, it ſhould ſo happen that the Capital Stock, and the Profits, Gain and Advantage ariſing from the ſaid Trade ſhould, at the Expiration of this Act, be found ſhort and inſufficient, upon a Settlement with the Aſſembly, to ſatisfy and diſcharge the ſaid ſeveral Loans, with the Intereſt thereof, and to bear and maintain the other Charges and Expences of the *Indian* Trade, the ſame ſhall be paid and ſatisfied by an equal and proportionable Rate and Tax, to be laid, aſſeſſed and levied on all Eſtates, real and perſonal, within this Province, in the ſame Manner, by the ſame Perſons, under the ſame Pains, Penalties and Forfeitures, and in the ſame Proportions, in the ſeveral Counties, as the Sums of Money heretofore granted to the King's Uſe, and directed to be raiſed and levied on all Eſtates, real and perſonal within this Province are, or ſhall be at that Time aſſeſſed, raiſed and levied: And that the Aſſembly of this Province, upon ſuch Inſufficiency and Defect appearing to them on the Settlement of the Account of the ſaid Commiſſioners, as directed by the ſaid Act of Aſſembly, ſhall forthwith certify the ſame to the Commiſſioners of the ſeveral Counties in Writing, under the Hand of their Speaker, in order that the ſame may be laid, aſſeſſed and levied in Manner aforeſaid; and when ſo levied, ſhall be paid into the Hands of the reſpective County Treaſurers, who ſhall forthwith pay the ſame over to the Commiſſioners for *Indian* Affairs for the Purpoſes aforeſaid.

AND BE IT ENACTED by the Authority aforeſaid, that all and every Perſon and Perſons to whom any Money ſhall be due for Loan, by Virtue of this Act, after Note and Certificate entered in the Book of Regiſtry as aforeſaid, his, her, or their Executors, Adminiſtrators or Aſſigns, by proper Words of Aſſignment, to be endorſed on his, her, or their Certificate, may aſſign, transfer, or make over all his, her, or their Right, Title, Intereſt and Benefit of ſuch Note and Certificate, to any other Perſon or Perſons; which Aſſignment ſhall intitle ſuch Aſſignee, his, her or their Executors, Adminiſtrators or Aſſigns, to the Benefit thereof, and Payment thereon; and ſuch Aſſignee may, in like Manner, aſſign again, and ſo *toties quoties*; and afterwards it ſhall not be in the Power of ſuch Perſon or Perſons, who have or hath made ſuch Aſſignment, to make void, releaſe or diſcharge the ſame, or the Monies thereby due.

Notes for Money lent aſſignable.

AND BE IT ENACTED by the Authority aforeſaid, That the Sum and Sums of Money which the Commiſſioners for *Indian* Affairs are hereby authorized and impowered to borrow and receive, ſhall be by them made Uſe of, applied and appropriated to and for the Uſes, Intents and Purpoſes mentioned and directed in and by this Act, and the ſaid Act of General Aſſembly to which this Act is a Supplement, and to and for no other Uſes, Intents and Purpoſes whatſoever; and that the Accounts thereof ſhall be ſettled and adjuſted in the ſame Manner that the other *Indian* Accounts of the ſaid Commiſſioners are thereby directed to be ſettled and adjuſted: And if, upon final Settlement of the Accounts at the Expiration of this Act, it ſhould appear that there is a Surplus or Profit, the ſame ſhall be paid into the Hands of the Provincial Treaſurer for the Time being, and diſpoſed of in ſuch Manner, and to ſuch Purpoſes as ſhall be hereafter directed by Act of General Aſſembly: And that the ſaid Commiſſioners for *Indian* Affairs ſhall have and receive for all Goods purchaſed for the Uſe of the *Indian* Trade, from and after the Publication of this Act, the Sum of Two and Half *per Centum*; and on the Sales of the Returns thereof the Sum of Two and Half *per Centum*, and no more, for their Trouble in executing and diſcharging the Truſt, Powers and Duties enjoined and required of them by this Act; any Thing in the ſaid recited Act of General Aſſembly to the contrary thereof notwithſtanding.

Allowance of the Commiſſioners.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Clauſe in this Act contained, relating to the aſſuring and ſecuring the Loans to the reſpective Lenders ſhall remain, and is hereby declared to be in Force until the ſaid Lenders ſhall receive their ſeveral and reſpective Sums of Money by them lent and advanced as aforeſaid, with the Intereſt thereon accruing: And that the Reſidue and Remainder of this Act ſhall be in Force as long as, and during the Term of the ſaid Act of General Aſſembly, to which this Act is a Supplement, and no longer.

Limitation of this Act.

Paſſed *April* 17th, 1759. Recorded A. Vol. 4. p. 105.

LXXX. *An* ACT *to prevent the Exportation of bad or unmerchantable Staves, Heading, Boards and Timber.*

Preamble.

WHEREAS the Reputation of this Province hath been much advanced by the Care of the Legiſlature to prevent Frauds and Abuſes in divers Commodities of our Country Produce exported to foreign Markets; and yet ſome further Regulation is, by daily Experience, found neceſſary to promote the Intereſts of Trade, and the Good of the Province, BE IT THEREFORE ENACTED by the Honourable *WILLIAM DENNY*, Eſq; Lieutenant Governor under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That no Merchant, or other Perſon or Perſons whatſoever ſhall, from and after the Publication of this Act, lade, or put on board any Ship or Veſſel, any Staves, Heading, Boards, Plank, or Timber for Exportation, out of this Province, before he or ſhe ſhall firſt ſubmit the ſame to the Examination of the Officer or Officers, or his or their Deputy or Deputies, appointed by the Direction of this Act; and if the ſaid Officer or Officers ſhall find the ſame ſound and fit for Exportation, he or they ſhall meaſure, count and cull the ſame, in a juſt and impartial Manner between the Buyer and Seller.

No Staves, &c. to be exported without being examined, &c.

Dimenſions of Pipe, Hogſhead and Barrel Staves, &c.

AND BE IT ENACTED by the Authority aforeſaid, That every hewed or ſhaved Pipe Stave ſhall be four Feet and eight Inches long, three Inches and a Half broad in the narroweſt Place, clear of Sap, five Eighths of an Inch thick in the thinneſt Place, not more than one Inch thick in any Part, regularly ſplit with the Grain of the Wood, and ſhall not have more than ſeven Worm Holes, and to be otherwiſe fit for a good Pipe Stave.

EVERY hewed or ſhaved Hogſhead Stave ſhall be three Feet and ſix Inches long, three Inches and an Half broad, clear of Sap, in the narroweſt Place, five Eighths of an Inch thick in the thinneſt Part, not more than one Inch thick in any Part, regularly ſplit with the Grain of the Wood, and ſhall not have more than ſix Worm Holes, and be otherwiſe fit for a good Hogſhead Stave.

EVERY hewed or ſhaved Barrel Stave ſhall be two Feet and ſix Inches long, three Inches and an Half broad in the narroweſt Place, Half an Inch thick in the thinneſt Part, regularly ſplit with the Grain of the Wood, and ſhall not have more than five Worm Holes, and be otherwiſe fit for a good tight Barrel Stave.

EVERY hewed or ſhaved Piece of Hogſhead Heading ſhall be two Feet and ſix Inches long, the middle Pieces ſix Inches broad in the narroweſt Place, clear of Sap, and the Candle Pieces of the ſame Breadth in their wideſt Part, clear of Sap, both Sorts three Quarters of an Inch thick, and ſhall not have more than ſeven Worm Holes in each Piece, and be otherwiſe fit for the Head of a tight Hogſhead; the Officer having a due Regard that there be always a proper Porportion of middle Pieces in ſuch Heading.

ALL Boards, Plank and Timber, ſhall be good and ſound, and of the Thickneſs and Quality the ſame are declared to be by the Seller.

Officer's Fees.

AND BE IT ENACTED by the Authority aforeſaid, That the Officer appointed for inſpecting and culling Staves and Heading, ſhall have for every cuſtomary Thouſand of Pipe Staves and Hogſhead Heading, *Three Shillings*; and for every cuſtomary Thouſand of Hogſhead and Barrel Staves, *Two Shillings and Six-pence*, by him inſpected and counted as aforeſaid; to be paid, the one Half by the Buyer and the other Half by the Seller.

AND the ſaid Officer for meaſuring Boards and Plank, ſhall have and receive the Sum of *Two Shillings and Six-pence* for every Thouſand Feet of Plank and Boards, according to the ſuperficial Meaſure thereof; and for all Timber according to the Thickneſs and Quality thereof, reduced to cubical Feet, the Sum of *One Shilling* for every Ton, conſiſting of forty cubical Feet, and ſo in Proportion for any greater or leſſer Quantity he ſhall meaſure; to be paid, the one Half by the Buyer, and the other Half by the Seller.

PROVIDED ALWAYS, that any Perſon or Perſons may be allowed to vend or ſell any rough Staves or Heading; and if they be of the Length, Breadth and Qualities before mentioned, they ſhall not be adjudged unfit for Exportation, although they ſhould be thicker than is herein before mentioned.

Officer to enter any Veſſel, and ſearch for Staves, &c. for Exportation.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Officer hereby appointed, or to be appointed, or his Deputy or Deputies, ſhall have Power and Authority, by Virtue of this Act, without any further or other Warrant, to enter on Board any Ship, Sloop or other Veſſel, lying and being in the Port of *Philadelphia*, or in any other Place within this Province, to ſearch for, and make Diſcovery of any Staves, Heading, Boards, Plank and Timber, ſhipped for Exportation; and if the Captain, Maſter or Owner of ſuch Ship or other Veſſel, or his or their Servant or Servants, ſhall deny him or them Entrance; or if the ſaid Officer ſhall be any way moleſted in making any Diſcovery as aforeſaid; or if ſuch Captain, Maſter or Owner, ſhall refuſe to permit the ſaid Officer or his Deputies to view, inſpect and examine any of the ſaid Staves and Merchandize aforeſaid, according to the Directions of this Act, every Perſon ſo offending ſhall forfeit and pay the Sum of *Fifty Pounds*; or if any Perſon ſhall ſhip off any Staves, Heading, Boards, Plank or Timber, which have not been inſpected, meaſured, culled and counted as aforeſaid by the Officer appointed for that Purpoſe, or his Deputy, every ſuch Perſon ſo offending ſhall forfeit and pay the Sum of *Twenty Shillings* for every Thouſand of Staves or Heading, and *Ten Shillings* for every Thouſand Feet of Boards, Plank or Timber, ſo ſhipped or exported, and ſo in Proportion for any greater or leſſer Quantity.

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PROVIDED ALWAYS, and it is further enacted by the Authority aforesaid, That where at any Time hereafter any Dispute shall arise between the Officer and Possessor of any of the Staves and Merchandize herein before-mentioned concerning the same, upon Application made by the Possessor thereof to one of the Magistrates of the County where the Dispute arises, he shall issue his Warrant to three indifferent judicious Persons of Skill and Integrity, one of them to be named by the Possessor of such Staves and Merchandize, a second by the Officer, and the third Person to be named by the said Magistrate, directing them, the Persons so named, to view and examine the said Staves and Merchandize, and make Report to him forthwith as they find the same, and the said Justice is hereby required and empowered to give Judgment accordingly.

Disputes arising concerning Staves, &c. to be decided by applying to a Magistrate &c.

AND in Case the said Staves, Heading, Boards, Plank and Timber, or any of them, be adjudged not fit for Exportation, the said Justice of the Peace shall order them not to be exported under Penalty of Forfeiture of all such Staves, Heading, Boards, Plank or Timber, and shall also award and order the Owner or Possessor thereof to pay the said Officer reasonable Costs and Charges for his Trouble in attending such Trial, *&c.* but if the said Staves and Merchandize shall be found good and merchantable, according to the Direction of this Act, the Charges of Prosecution shall be paid by the Officer.

Penalty on exporting Staves, &c. not merchantable.

AND to the End that the Regulations by this Act prescribed may be duly executed, BE IT ENACTED, by the Authority aforesaid, That *Hugh Davey*, of *Philadelphia*, shall be, and is hereby appointed the Officer for inspecting, culling, and counting all Staves and Heading; and for the inspecting and measuring all Boards, Plank and Timber, shipped from the Province as aforesaid. And the said *Hugh Davey*, or any other Person to be appointed by Virtue of this Act, is hereby empowered and required to appoint a sufficient Number of Deputies in the Counties of *Philadelphia*, *Bucks* and *Chester*, for whom he shall be accountable, which Deputies are hereby fully empowered to act as Deputy Officers for putting this Act in Execution, as fully as the said *Hugh Davey* could do by Virtue of this Act.

Officer's Name.

AND if the said *Hugh Davey*, or any other Person hereafter appointed to be the Officer aforesaid, shall, by any Accident, be rendered incapable, or neglect to execute the said Office, or shall happen to die before or after the Time of putting this Act in Execution, then, and so often, from time to time, it shall and may be lawful to and for the Majority of the Justices of the Peace of the County of *Philadelphia*, to supply his or their Place by some other fit and capable Person or Persons, who shall thereupon be invested with as full and ample Powers, as the Person or Persons in whose Place or Stead he or they may be appointed, until the Assembly appoints another.

In case of Death, &c. his Place to be supplied by a Majority of the Justices of Philadelphia County

BUT before the said *Hugh Davey*, or any other Officer hereafter to be appointed by Virtue of this Act, or any of his or their Deputies shall do any Thing in the Execution of his or their Office, they shall respectively take and subscribe an Oath or Affirmation before some Justice of the Peace of the City or County of *Philadelphia*, faithfully and impartially to perform his or their Duty and Trust to the best of his or their Capacity, according to the Direction of this present Act; which Oath or Affirmation the said Justices are hereby authorized and required to administer, at the Expence of the said Officer, and the same shall be entered in the public Records of this Province.

The Officer to be qualified.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Officer appointed, or to be appointed, by Virtue of this Act, shall keep true Accounts of the Staves and other Merchandize by him or his Deputies inspected, culled, counted and measured, and of the Names of the Buyers and Sellers thereof; and if any Controversy shall happen to arise concerning the same, he or they may be called upon to shew his or their Book of Enteries, for which Trouble, and Copy of the Entry, he or they shall be allowed the Sum of *Six-pence*, and no more; and if he or they shall be convicted of making a fraudulent Entry, he shall be liable to pay the Sum of *Five Pounds*: And if the said Officer or Officers shall be convicted of buying or selling any of the Staves and other Merchandize, which he or they are appointed to inspect and examine, he or they so offending, shall be subject to the Penalty of *Fifty Pounds*.

And to keep true Accounts of the Staves, &c.

PROVIDED ALWAYS, that nothing herein contained shall debar any Cooper or Carpenter from purchasing a sufficient Quantity of Staves or Heading, Boards, Plank or Timber, to make up into Cask, or to be used in Buildings in the Way of his or their Business, so always that he shall not buy any of the Cullings, which he hath before adjudged to be unmerchantable.

Coopers or Carpenters &c. not within this Act.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all and every the Penalties and Forfeitures in and by this Act set and appointed shall be paid, one Half to the Contributors of the *Pennsylvania* Hospital, for the Use of the said Hospital, and the other Half to the Informer, or to him or them who shall sue for the same; if under *Five Pounds*, to be recovered as Debts under *Five Pounds*, are usually recovered, and if above *Five Pounds*, to be sued for by Bill, Plaint or Information, in any Court of Record within this Province, wherein no Essoin, Protection or Wager of Law shall be allowed the Defendant.

Penalties how to be disposed of.

AND every of the Officers appointed by this Act, shall, if he so long behave himself well in the Execution of his said Office, continue therein for the Space of four Years, and from thence until a new Nomination be made by the Assembly, and no longer.

The Officer to continue four Years.

Passed *April 21st.* 1759. Recorded A. Vol. 4. p. 100.

LXXXI. *A SUPPLEMENT to the Act, intituled, An Act for granting to his Majesty a Duty of Tonnage upon Ships and Vessels; and also certain Duties upon Wine, Rum, Brandy, and other Spirits, and a Duty upon Sugar, for supporting and maintaining the Provincial Ship of War, for protecting the Trade of this Province, and other Purposes for his Majesty's Service.*"

Preamble. WHEREAS it has been found on Experience, that the Provincial Ship of War heretofore purchased and fitted out by this Province for protecting the Trade thereof, and for annoying the Enemy, does not fully answer the Purposes intended, and it may become necessary to purchase or hire one other Ship of War, and to make Sale of that which has been already purchased, for which no Provision is made by the Act herein before mentioned; for remedying whereof, and for protecting the Trade of this Colony in a more effectual Manner, BE IT ENACTED by the Honourable *WILLIAM DENNY* Esq; Lieutenant Governor under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries, of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, that it shall and may be lawful for *Thomas Yorke*, *James Child*, *Daniel Rundle*, *Peter Chevalier*, and *Enoch Story*, or the major Part of them, or of the Survivors of them, with the Consent and Approbation of the Governor or Commander in Chief of this Province for the Time being, and not otherwise, to dispose of and sell the Provincial Ship of War, and to invest the Produce thereof, with such other Monies as shall come into their Hands by Virtue of the Act herein before mentioned, and of this Act, in purchasing or hiring one other Ship of War, as they shall judge most suitable and advantageous for the Purposes aforesaid: And forasmuch as great Expences must necessarily arise upon purchasing, hiring, fitting out, and maintaining such Ship or Ships of War for protecting the Trade of this Province as aforesaid, BE IT FURTHER ENACTED, That in case a Ship of War be purchased or hired by the Commissioners aforesaid, with the Assent of the Governor, it shall and may be lawful for any Person or Persons whatsoever to advance and lend to the said Commissioners any Sum or Sums of Money, not exceeding in the Whole the Sum of *Two Thousand Pounds*, lawful Money of this Province, over and above the Sum of *Five Thousand Pounds*, which they are authorized and impowered to borrow by the Act, to which this is a Supplement; which Sum or Sums of Money the said Commissioners are hereby authorized and impowered to borrow and receive for the Uses, Intents and Purposes aforesaid; and the said Lenders shall have and receive for the Use and Forbearance of their respective Loans, until the same shall be repaid and discharged, Interest not exceeding *Six per Centum:* And that every such Lender shall immediately have and receive a Note or Certificate in Writing of and for the Sum by him lent, with the Interest payable thereon, signed by the said Commissioners; which Note or Certificate shall be registered in a Book to be kept for that Purpose, and the said Commissioners shall, and they are hereby enjoined and required, as soon as they shall receive a sufficient Sum of Money of and from the Provincial Treasurer for the Time being, to pay off and discharge the Sum and Sums of Money by them borrowed and received for the Uses, Intents and Purposes aforesaid, that they shall forthwith tender, pay off and discharge to the said Lenders their several and respective Sums of Money so lent, with the Interest thereof, and thereupon take Receipts and Discharges for the same.

Commissioners impowered to dispose of the Provincial Ship, & purchase or hire another

to borrow 2000 l. on Interest.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for the Commissioners aforesaid, or the major Part of them, or of the Survivors of them, on any Cruize to be made by any Ship of War for guarding the Coast, and Protection of the Trade of this Province, to purchase and provide out of the Monies arising by Virtue of the Act herein before mentioned, such Stores, Cloathing, and other Necessaries, as may be suitable to the Seamen during their intended Cruize, and thereupon to affix such moderate Rates and Prices as they shall judge equitable and reasonable; which said Stores, Cloathing and other Necessaries, shall be put under the Care of a Purser, to be appointed for that Purpose by the Commissioners, with the Assent of the Governor, for any Ship of War to be employed in the Service of this Province for protecting the Trade thereof: And every such Purser respectively, under the Penalty of *One Hundred Pounds*, shall sell to the Seamen at the several Rates and Prices so as aforesaid affixed by the Commissioners, and no other; and the Profits accruing thereon, after reasonable Charges are deducted, shall be accounted for to the Commissioners by the said Pursers, for and towards defraying the Charges of maintaining such Ship of War so as aforesaid employed in the Service of this Province: And no Commander, or other Officer or Person whatsoever, on board the said Ship of War, other than the Purser or Pursers, so as aforesaid appointed for that Purpose (which said Purser or Pursers are hereby enjoined, under the Penalty aforesaid, to sell such Stores, Cloathing and Necessaries only, as are provided by the Commissioners aforesaid) shall presume to sell, barter or exchange to or with any Seamen, either on the High Seas, or at any Port or Place during their respective Cruises, any Merchandise or Thing whatsoever, under the Penalty of *Five Hundred Pounds*, to be recovered and applied in the same Manner as the Fines, Forfeitures and Penalties, incurred in and by the said Act of Assembly, to which this Act is a Supplement, are directed to be recovered and applied, and as if the said Offence had been committed within this Province, any Thing herein, or in any other Act to the contrary notwithstanding.

And to purchase Stores, &c. for the Seamen on a Cruize,

The Purser only shall sell the same to the Seamen, &c.

PROVIDED NEVERTHELESS, AND IT IS HEREBY FURTHER ENACTED, That the Commissioners aforesaid, or the major Part of them, or of the Survivors of them, shall have Power, and are hereby authorized to sell and dispose of any Ship of War belonging to the Province, which is or may be purchased by Virtue of this or any other Act of this Province, at any Time after the Ratification of a Treaty of Peace between the Crowns of *Great-Britain* and *France*, and the Monies arising by the Sale or Sales of such Ship of War, shall be accounted for by the said Commissioners, according to the Directions of this and the herein before mentioned Act, any Thing in the said Act to the contrary notwithstanding.

Commissioners authorized to sell any Ship of War belonging to the Province after the War is over,

AND

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Act, intituled, "*An Act for granting to his Majeſty a Duty of Tonnage upon Ships and Veſſels, and alſo certain Duties upon Wine, Rum, Brandy and other Spirits, and a Duty upon Sugar, for ſupporting and maintaining the Provincial Ship of War, for protecting the Trade of this Province, and other Purpoſes for his Majeſty's Service,*" and this Act ſhall be and continue in Force until the Ratification of a Treaty of Peace between the Crowns of *Great-Britain* and *France*, or until the Expiration of the Act to which this is a Supplement, as either may firſt happen, and from ſuch Ratification of Peace, or Termination of the aforeſaid Act, until the Charges ariſing by Virtue of the ſaid Acts for purchaſing or hiring and maintaining a Ship of War as aforeſaid ſhall be diſcharged, and no longer. Limitation of this Act.

Paſſed *April* 21ſt, 1759. Recorded A. Vol. 4. p. 151.

LXXXII. *An* ACT *for extending ſeveral Sections of an Act of Parliament, paſſed in Thirty-ſecond Year of the preſent Reign*, intituled, "*An Act for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters.*"

Paſſed *April* 21ſt, 1759.---*Expired.*---Recorded A. Vol. 4. p. 111.

LXXXIII. *An* ACT *for regulating the Hire of Carriages to be employed in his Majeſty's Service.*

Paſſed *April* 21ſt, 1759.---*Expired.*---Recorded

LXXXIV. *An* ACT *for regulating the Officers and Soldiers in the Pay of this Province.*

Paſſed *April* 21ſt, 1759.---*Expired.*---Recorded A. Vol. 4. p. 108.

LXXXV. *An* ACT *for re-emitting the Bills of Credit of this Province heretofore re-emitted on Loan, and for ſtriking the further Sum of* Thirty-ſix Thouſand Six Hundred and Fifty Pounds, *to enable the Truſtees to lend* Fifty Thouſand Pounds *to Colonel* John Hunter, *Agent for the Contractors with the Right Honourable the Lords Commiſſioners of his Majeſty's Treaſury, for his Majeſty's Service.*

WHEREAS by an Act of General Aſſembly of this Province, made in twelfth Year of the Reign of his preſent Majeſty, intituled, "*An Act for reprinting, exchanging and re-emitting all the Bills of Credit of this Provence, and for ſtriking the further Sum of* Eleven Thouſand One Hundred and Ten Pounds Five Shillings, *to be emitted on Loan,*" Bills of Credit, of the Value of *Eighty Thouſand Pounds* of lawful Money of *America*, were printed and emitted to exchange the Bills of Credit of this Province before that Time current, and to lett out on Land Security, and again to be paid in annually, and to be ſunk and deſtroyed according to the Directions of the ſaid Act. AND WHEREAS the ſaid Bills of Credit ſo printed and emitted were, by one other Act made in the nineteenth Year of this preſent Reign, intituled, "*An Act for the re-emitting and continuing the Loan of the Bills of Credit of this Province,*" continued and declared to be the current Bills of Credit of this Province, and re-emitted on Loans for a certain Term of Years therein mentioned. AND WHEREAS the Term limited for the Re-emiſſion of the ſaid Bills is expired, Part of the ſame paid in, ſunk and deſtroyed, and the Time appointed for the Currency of the Reſidue of the ſaid Bills is likewiſe near expiring, and conſequently the Funds which have been raiſed heretofore for the Support of Government, with great Eaſe and Advantage to the People of this Province, by the Intereſt of the Money ſo lent out, muſt not only fail, but for want of a Circulation and Currency of thoſe Bills, the Merchants, Farmers and Tradeſmen will, in a few Years, again be deſtitute of a neceſſary Medium of Trade, rendered incapable of diſcharging their Debts and Engagements to the *Engliſh* Merchants, and be involved in all the Difficulties and Inconveniencies the ſaid Acts were wiſely intended to prevent, the Bills of Credit lately ſtruck and granted to his Majeſty's Uſe, being by Law to be ſunk in a ſhort Time. AND WHEREAS it has been found from Experience, that ſince the Funds, ariſing as aforeſaid out of the Intereſt Money aforeſaid, have failed for want of re-emitting the ſaid Bills of Credit, the Expences neceſſary for the Support of Government have been neceſſarily deducted and paid out of the Aids granted to his Majeſty, there being no other Fund for defraying the ſame, whereby ſuch Aids have been greatly leſſened and diminiſhed. Preamble.

AND WHEREAS many of the Perſons who have mortgaged their Lands and Eſtates to the Truſtees of the General Loan-Office, in and by Virtue of the ſame Acts of Aſſembly, have been rendered incapable of paying their heavy Taxes towards the Support of the War, and diſcharging their annual Quotas to the ſaid Truſtees, by the frequent Incurſions and Depredations of the Savages, which have prevented the Cultivation of their Lands, and other Acts of Induſtry for the raiſing of Money, and eſpecially the Frontier Inhabitants, many of whom have been drove from their Plantations, and the real and perſonal Securities taken by the ſaid Truſtees in thoſe Parts thereby rendered of little or no Value. AND WHEREAS, ſhould the Truſtees aforeſaid, at this Time of Diſtreſs and great Depreciation of the Value of Lands in the Parts aforeſaid, proceed to ſell and diſpoſe of the mortgaged Premiſes in thoſe Parts, as by Law they are enjoined and required, the Owners thereof, with their Families, muſt become a Burthen to the Publick, and the Government loſe a Part of the Sums of Money ſo lent, with the Intereſt thereof, which may be prevented by continuing the ſaid Bills of Credit on Loan for a further Term of Years, as the Mortgagors will be thereby enabled, ſhould the Peace lately concluded with the *Indians* continue, not only to reſtore the Securities, heretofore taken by the Truſtees, to their former Value, but alſo redeem the ſame for themſelves, and their Poſterity, and a further Tax be avoided, which otherwiſe muſt be laid for ſinking ſuch Bills of Credit, which have been lent out on ſuch Securities as have failed as aforeſaid. AND

WHEREAS

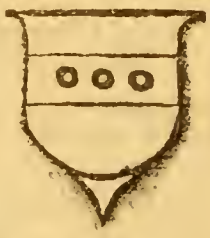
WHEREAS our gracious Sovereign in Council hath been pleaſed to approve and confirm the ſaid firſt recited Act of Aſſembly, whereby the Method therein provided for ſtriking and emitting the ſaid Bills of Credit is freed from Objections: To the End therefore that a circulating Medium of Trade and Commerce, upon which the Good and Welfare of this Province ſo eſſentially depend, may be preſerved and kept up, the Wants and Neceſſities of thoſe trading to our Mother Country ſupplied, the Supplies hereafter to be granted to the Crown may not be broke in upon, or diminiſhed, and the Charges and Expences of Government may be paid and ſupported: And to this further charitable good End and Purpoſe, that the poor unhappy People, who have ſuffered as aforeſaid by the Calamities of War, may not become a Burthen to the Publick in this Time of heavy Impoſitions and Taxes of the People, but may be reſtored to their Freeholds and Poſſeſſions, the Securities ſo taken by the Truſtees rendered equal to their former Value, and to prevent a further unneceſſary Burthen of Taxes on the Inhabitants, BE IT ENACTED by the Honourable *WILLIAM DENNY*, Eſq; Lieutenant Governor under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and the Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That indented Bills of Credit, of the Value of *Thirty-ſix Thouſand Six Hundred and Fifty Pounds*, of lawful Money of *America* (according to an Act of Parliament, made in the ſixth Year of the late Queen *Anne*, for aſcertaining the Rates of foreign Coins in the Plantations in *America*) ſhall, before the Twenty-firſt Day of *June* next after the paſſing of this Act, be prepared and printed on good ſtrong Paper, under the Care and Direction of *Charles Norris*, *Thomas Leech*, *John Watſon*, *Nathaniel Grubb*, and *Emanuel Carpenter*, Truſtees of the General Loan-Office of the Province of *Pennſylvania*, and at the Charge of the Publick to be defrayed out of the Intereſt Money ariſing, or to ariſe upon the Loan of any Bills of Credit formerly emitted by any Truſtees of the ſaid General Loan-Office; which Bills ſhall be made and prepared in Manner and Form following, and no other, *viz.*

36,650 l. to be ſtruck in Bills of Credit.

Form.

THIS indented Bill ſhall paſs current for within the Province of Pennſylvania, *according to an Act of Aſſembly of the ſaid Province, made in the Thirty-ſecond Year of the Reign of King* GEORGE *the Second. Dated the Twenty-firſt Day of June, One Thouſand Seven Hundred and Fifty-nine.*

AND the ſame Bills ſhall have ſuch like Eſcutcheons as in the Margin hereof, with ſuch other Devices on the ſaid Bills as the ſaid Truſtees ſhall think fit, as well to prevent Counterfeits, as to diſtinguiſh their ſeveral Denominations: Each of which Bills ſhall be of the ſeveral and reſpective Denominations following, and no other, *viz.*



Number and Denominations thereof.

FOUR Thouſand Eight Hundred and Eighty-ſix of the ſame Bills, the Sum of *Five Pounds* in each of them.

FOUR Thouſand Eight Hundred and Eighty-eight of the ſame Bills, the Sum of *Fifty Shillings* in each of them.

AND the ſaid Truſtees ſhall uſe the beſt of their Care, Attention and Diligence, during the Printing of the ſaid Bills, that the Number and Amount thereof, according to their reſpective Denominations aforeſaid, be not exceeded, nor any clandeſtine or fraudulent Practice uſed by the Printer, his Servants, or Perſons concerned therein.

AND for the perfecting the ſaid Bills, to make them current within this Province, according to the true Intent and Meaning of this Act, BE IT FURTHER ENACTED by the Authority aforeſaid, That all and every of the ſaid Bills ſhall be ſigned by the Perſons following, or by three of them, at leaſt; that is to ſay: *Richard Pearne*, *Joſeph Stretch*, *Charles Jones*, *Henry Harriſon*, *Peter Reeve*, *Joſeph Morris*, *Charles Thomſon*, *Thomas Say*, *Evan Morgan*, *Luke Morris*, *James Wharton*, *Iſaac Greenleaſe*, *Samuel Rhoads*, *Thomas Gordon*, and *John Ord*, who are hereby nominated and appointed to be the Signers of the ſaid Bills; and ſhall, before they preſume to receive or ſign any of the ſaid Bills of Credit, take an Oath or Affirmation to the following Effect, *to wit.*

Signers Names.

THAT they ſhall well and truly ſign and number all the Bills of Credit that ſhall come to their Hands for that Purpoſe, by the Direction of this Act, and the ſame ſo ſigned and numbered, will deliver, or cauſe to be delivered, unto the Truſtees of the General Loan Office of the Province of Pennſylvania, *purſuant to the Direction of this Act.*

Their Qualification.

AND the ſaid Signers ſhall have *Fifteen Shillings* apiece for every Thouſand of the aforeſaid Bills by them ſigned and numbered, within ten Days after the Re-delivery thereof to the ſaid Truſtees, to be by them paid out of the Intereſt Money in the ſaid Truſtees Hands.

And Allowance.

AND BE IT ENACTED by the Authority aforeſaid, That the Bills of Credit, made and iſſued in and by Virtue of the ſaid Act of Aſſembly, and alſo the Bills hereby directed to be made and ſigned as aforeſaid, to be emitted on Loan, ſhall be and continue, and are hereby declared to be and continue the current Bills of Credit of this Province for and during the Time herein after mentioned, for the Payment and Diſcharge of all Manner of Debts, Rents, Sum and Sums of Money whatſoever, due payable or accruing upon or by Reaſon of any Mortgage, Bill, Specialty, Bond, Note, Book-Account, Promiſe, or any other Contract or Cauſe whatſoever, as if the ſame were tendered or paid in the Coins mentioned in ſuch Bond, or other Writing, Book-Account, Promiſe, Aſſumption, or in any other Contract whatſoever, and at the Rates aſcertained in the ſaid Act of Parliament, and ſhall be ſo received in all Payments by all Perſons whatſoever.

Bills of Credit lawful Tender.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Truſtees ſhall be in, and have Capacity and Power to take, hold and enjoy, to them and their Succeſſors in the ſaid Truſt

Truſtees and their Succeſſors impowered to hold Lands &c. granted to them in Mortgage.

Truſt, all ſuch Lands, Tenements, Rents and Hereditaments, and all ſuch Plate, as ſhall be granted them in Mortgage, or which hath at any Time heretofore been granted to any Truſtee or Truſtees of the General Loan-Office of *Pennſylvania*, for ſecuring the Repayment of the Money, or Bills, formerly lent, or hereby directed to be lent; and alſo to ſell, grant, alien, and diſpoſe of the ſame Lands, Tenements, Rents, Hereditaments and Plate, in Default of Payment, and alſo to do, execute, and perform and ſuffer all other Things whatſoever, as fully, to all Intents and Purpoſes, as any Truſtees of the General Loan-Office aforeſaid, by any former Act of Aſſembly of this Province may or might have done, executed, performed and ſuffered: And upon the Death or Removal of any of the preſent Truſtees, or of any other that ſhall be nominated and appointed hereafter, it ſhall and may be lawful to and for the General Aſſembly of this Province, for the Time being, to appoint ſome other fit Perſon or Perſons in his or their Place and Stead, who ſhall have the ſame Power and Authority as if they had been nominated and appointed by Virtue of this Act.

PROVIDED ALWAYS, AND IT IS HEREBY FURTHER ENACTED, That none of the Perſons herein before nominated, or hereafter to be appointed Truſtees of the General Loan-Office aforeſaid, ſhall longer continue in the Exerciſe of the ſaid Office than the Space of four Years from the Time of ſuch their Nomination as aforeſaid, and from thence to the End of the next Seſſion of Aſſembly. To continue in their Office four Years.

PROVIDED ALSO, That none of the Truſtees ſo as aforeſaid nominated, or to be nominated and appointed, according to the Direction of this Act, or any of them, or any of their Heirs, Executors, or Adminiſtrators, or Securities hereby directed to be given, be acquitted or diſcharged, for any Thing done or ſuffered in or about the Truſt hereby committed to them, until they have accounted for and paid, and delivered up to the ſucceeding Truſtees all Bills, Monies, Securities and Writings belonging to the Loan-Office, and ſo from Time to Time during the Continuance of this Act, any Thing herein contained to the contrary notwithſtanding: But before any of the preſent Truſtees, or ſuch as ſhall hereafter be appointed Truſtees, ſhall enter upon the Execution of their Truſt, or any Part thereof, they ſhall each of them enter into Bond to the Treaſurer of this Province, in the Sum of *Three Thouſand Pounds*, conditioned for the Execution of the Truſt, and Performance of all Things required of them by this Act, and ſhall take an Oath or Affirmation before ſome Juſtice of the Peace, in the Words following, *viz.* Before Diſcharge to account and deliver up all Bills &c. To give Bond.

I A. B. *will, according to the beſt of my Skill and Knowledge, faithfully, impartially and truly demean myſelf in the Diſcharge of the Truſt required of me by an Act of Aſſembly of this Province, intituled,* "An Act for re-emitting the Bills of Credit of this Province heretofore re-emitted on Loan, and for ſtriking the further Sum of *Thirty-ſix Thouſand Six Hundred and Fifty Pounds*, to enable the Truſtees to lend *Fifty Thouſand Pounds*, to Colonel *John Hunter*, Agent for the Contractors with the Right Honourable the Lords Commiſſioners of His Majeſty's Treaſury, for His Majeſty's Service;" *ſo as none may be prejudiced by my Conſent, Privity or Procurement.* And be qualified,

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Truſtees ſhall lend out the Sum of *Sixteen Hundred and Fifty Pounds* of the ſaid Bills of Credit hereby directed to be made, and all ſuch other Bills of Credit heretofore lent out, which they have received, but not yet ſunk and deſtroyed, for and during the Space, and unto the full End and Term of Sixteen Years, from the Fifteenth Day of *October* in the Year of our Lord One Thouſand Seven Hundred and Fifty-nine: All which Loans, made by Virtue of this Act, ſhall be made in Sums not exceeding *One Hundred Pounds*, nor leſs than *Twelve Pounds*, to any one Perſon, upon Mortgages of Meſſuages, Lands, Tenements, Rents, and Hereditaments in this Province, whereof the Borrowers ſtand ſeized in Fee-ſimple, in their own Right, free from Incumbrances; the Proprietary Quit-rents, and other Rents charged on the ſame, and diſcovered to the ſaid Truſtees, only excepted: of which Titles and Clearneſs, the Truſtees are to inform themſelves the beſt they can, by any of the Ways and Means heretofore granted and allowed to the fromer Truſtees of the ſaid General Loan-Office, or to any of them, and ſhall inform themſelves, as well of the clear Value of the Titles of Lands, Houſes and Ground-rents offered in Security, ſo as to be ſatisfied that the Lands and Ground-rents are held in Fee-ſimple, and are at leaſt, of double the Value of the Sums requeſted to be lent; and that as to the Houſes erected upon Ground ſubject to the Payment of Ground-rent offered in Mortgage, Care ſhall be taken by the ſaid Truſtees that there be no Rent or Quit-Rent in Arrear at the Time of receiving the ſame in Mortgage, and that the Ground ſhall be near equal in Value, above the Ground-rent, to the Sum lent, yet ſo that the Houſe and Ground be of double Value, for the better Security of the Mortgage Money. And thereupon the ſaid Truſtees, in Purſuance of the Truſt hereby committed to them, ſhall, in the Name and Stile of the Truſtees of the General Loan-Office of the Province of *Pennſylvania*, and not otherwiſe, take and receive Deeds of Mortgage in Fee-ſimple of ſuch Meſſuages, Lands Tenements, Rents and Hereditaments, with the Appurtenances, to ſecure the Repayment of the Sums they lend, to be made yearly on the Fifteenth Day of *October*, by equal Payments, with the whole Intereſt accrued, at the Rate of *Five per Cent. per Annum*. Sums to be lent on Mortgage limited.

PROVIDED ALWAYS, AND IT IS HEREBY FURTHER ENACTED That the better to enable any of the Mortgagors by any former Act of Aſſembly to diſcharge their Mortgages, it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby required to permit thoſe Mortgagors, or their Heirs, or ſuch other Perſon or Perſons to whom they have made over their Right of Redemption and Eſtate in their mortgaged Meſſuages, Lands and Rents, to renew their Mortgages reſpectively, if they, the ſaid Truſtees, ſhall judge them a ſufficient Security for the Sums thereon due and in Arrear, or that they are likely to be rendered ſo by the Owner or Owners thereof within the Term aforeſaid, on a Reſtoration of Peace to the Province, although the ſame exceed the Sum aforeſaid limited to one Perſon, to be repaid according to the Proportions, and within the Times by this preſent Act limited and appointed. Mortgagors under any former Act may renew their Mortgages

And on neglect the Truſtees to ſell the mortgaged Premiſes

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Mortgagors, by and under any former Act of this Province, ſhall neglect or refuſe to renew their Mortgages reſpectively on or before the Fifteenth Day of *October*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty; the ſaid Truſtees are hereby enjoined and required to proceed to ſell and diſpoſe of their reſpective Lands and Tenements or other mortgaged Premiſes in Manner aforeſaid, any Thing herein contained to the contrary notwithſtanding.

Mortgagors under this Act permitted to pay off at any time &c.

PROVIDED ALSO, That if any Mortgagor of any Meſſuages, Lands or Rents by this Act directed, his Heirs, Executors or Aſſigns, ſhall be minded to pay off and diſcharge his Mortgage and Security at any other Time than according to the Time ſpecified in his Mortgage-Deed, it ſhall be lawful for him or them ſo to do before Sale of the mortgaged Premiſes, by paying down the whole Principal Sum due and in Arrear, together with the Intereſt and Charges then accrued.

No Part of the Principal Sums, to be ſunk before October, 15th 1769.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the principal Sums, and all and ſingular the Parts, Pateels and Quotas thereof, or any of them, payable to the Truſtees of the ſaid General Loan-Office by any Mortgagor or Perſon whatſoever, ſhall not be ſunk or deſtroyed otherwiſe, or at any other Time than by this preſent Act is directed, limited and appointed, any Law, Cuſtom or Uſage to the contrary notwithſtanding: But the ſame principal Sums, and all other yearly Payments of principal Sums herein before directed to be emitted on Loans as this Act directs, now in the Hands of the ſaid Truſtees, or hereafter to be recovered or received by them before the Fifteenth Day of *October*, *Anno Domini* One Thouſand Seven Hundred and Sixty-nine, ſhall be from Time to Time re-emitted on Securities, as herein before directed, for the Reſidue of the aforeſaid Term of Sixteen Years. And alſo, ſo often as any Mortgage-Monies, directed to be re-emitted as aforeſaid, ſhall be recovered or received before the aforeſaid Fifteenth Day of *October*, One Thouſand Seven Hundred and Sixty-nine, the principal Monies thence ariſing, ſhall in like Manner from Time to Time be re-emitted again on Securities as aforeſaid. And the ſaid Truſtees, or ſome three of them, ſhall weekly attend at their Office on *Tueſdays* and *Wedneſdays*, until the aforeſaid Sum of *Sixteen Hundred and Fifty Pounds* of the ſaid Bills of Credit, hereby directed to be made, and the Sums of Money, or other Bills of Credit formerly lent out and received as aforeſaid, but not ſunk and deſtroyed, ſhall be wholly emitted as this Act directs; and afterwards on *Tueſday* in each ſecond Week of *April*, *June*, *Auguſt*, *October*, *December*, and *February*, in every Year of the Continuance of this Act, and at ſuch other Times as their Duty and Truſt ſhall require; which Deeds of Mortgage ſhall be fairly entered in Books of large Paper, to be provided by the ſaid Truſtees: an atteſted Copy of which Deeds, ſo entered and certified by the ſaid Truſtees, or any three of them for the Time being, ſhall be, and is hereby declared to be good Evidence, to prove the Mortgage thereby mentioned to be made; and on every of the aforeſaid Deeds of Mortgage ſhall be endorſed or added an Oath or Affirmation, to be taken by the Mortgagor or Mortgagors, before ſome, or one, of the ſaid Truſtees, who are hereby empowered and required to adminiſter the ſame, *That he, ſhe or they, is or are ſeized of the Hereditaments and Premiſes thereby granted, in his, her or their own Right, and to his, her or their own Uſe, and that free from all Incumbrances, to the Knowledge of ſuch Mortgagor* (*the yearly Quit-rents thence iſſuing, payable to the chief Lord or Lords of the Fee thereof, and ſuch other Rents, if any, as are therein particularly mentioned and diſcovered to the Truſtees, only excepted.*) And the aforeſaid Deeds, being ſo executed and aknowledged, ſhall transfer the Poſſeſſion, and veſt the Inheritance of and in ſuch mortgaged Premiſes, to and in the ſaid Truſtees and their Succeſſors as fully and effectually as Deeds of Feoffment, with Livery and Seizin, or Deeds inrolled in any of the King's Courts of *Weſtminſter*, may or can do.

Time of the Truſtees attendance at their Office

Affidavit to be taken by the Mortgagors.

Expoſition of the Covenants in the Mortg. Deeds.

IN all which Deeds, the Words Grant, Bargain and Sell, ſhall be, and be adjudged in all Places and Courts whatſoever within this Province, to have the Force and Effect of a Covenant, that the Mortgagor, notwithſtanding any Act done by him, was at the Time of the Execution of ſuch Deed, ſeized of the Hereditaments and Premiſes thereby granted, of an indefeaſible Eſtate of Inheritance, free from Incumbrances, the Rents ſo as aforeſaid to be diſcovered to the ſaid Truſtees only excepted.

Mortgagors to execute a Bond and Warrant of Attorney, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That, together with every of the aforeſaid Mortgage Deeds, the reſpective Mortgagor ſhall execute a Bond of double the Mortgage Money, conditioned for the Payment of the Money borrowed, with the Intereſt, according to the Proviſo or Condition contained in each ſuch Mortgage Deed; and alſo a Warrant of Attorney, empowering ſuch Perſon or Perſons as the Truſtees ſhall appoint, to confeſs or ſuffer Judgment, which the ſaid Truſtees are hereby required to cauſe their Attorney to enter in any of the Courts of Common-Pleas of this Province againſt ſuch Mortgagor as ſhall make Default in Payment of the Mortgage Monies, or any Part thereof, on the ſaid Bonds or Mortgages, for Non-performance of the Conditions thereof, or in ſuch Actions of Debt as the ſaid Truſtees are required to bring for the Value of the ſaid Bills of Credit received by the Mortgagors, whoſe Titles ſhall happen to prove defective, together with the Intereſt and Coſts of Suit; in every which Warrant of Attorney ſhall be inſerted a Releaſe of Errors by the Mortgagor.

2 Months after Default in Payment, Truſtees may ſell the mortgaged Premiſes.

PROVIDED ALWAYS, nevertheleſs, That until ſome Default be made in Payment of ſome Part of the Mortgage Monies by the Mortgagors reſpectively, it ſhall and may be lawful to and for them and their Heirs to hold and enjoy the mortgaged Premiſes, any Thing in this Act, or in their Mortgage-Deeds to the contrary notwithſtanding; but if Default ſhall be made or ſuffered in Payment of any Part of the Mortgage Monies aforeſaid, whether of the Principal or Intereſt, which the Mortgagors, their Heirs, Executors, Adminiſtrators or Aſſigns, ſhould or ought to pay, according to the Days of Payment aforeſaid, and as in their reſpective Deeds of Mortgage ſhall be ſpecified, it ſhall and may be lawful to and for the ſaid Truſtees for the Time being, after two Months next after Default made as aforeſaid, to enter upon the Meſſuages, Lands, Rents, and Hereditaments,

reditaments, reſpectively in the Deeds of Mortgage ſpecified, and the ſame, or any Part thereof, thereupon to ſell and convey to the beſt Purchaſer, and out of the Monies ariſing by ſuch Sale, to detain and keep the Sums thereon due unto them, with all Coſts and Charges, relating thereunto, returning the Overplus, if any, to the Owners of ſuch Lands and Hereditaments, who ſhall thereupon ſtand foreclоſed of and from all Right of Redemption of the ſame.

Good Plate may be taken in Security by the Truſtees.

PROVIDED ALWAYS, AND IT IS HEREBY FURTHER ENACTED, That it ſhall and may be lawful to and for the ſaid Truſtees, or any three of them, at any Time or Times, before the aforeſaid Fifteenth Day of *October*, One Thouſand Seven Hundred and Sixty-nine, to lend out in ſuch Manner as to them ſhall ſeem beſt, any Sums in the Bills aforeſaid, not exceeding *One Hundred Pounds*, nor leſs than *Twelve Pounds*, to one Perſon, on Securities of good Plate, at the Value of *Six Shillings per* Ounce, to be repaid to the ſaid Truſtees within twelve Months, with the Intereſt thereof, at the Rate aforeſaid: And in caſe of the Non-payment to ſell and diſpoſe of ſuch Plate for the moſt it will yield, returning the Overplus, if any be, to the Owner, after Payment of the Sum lent, with the Intereſt aforeſaid, and all Charges thereupon accrued.

Truſtees to lend Colonel John Hunter 50,000 l.

AND WHEREAS it hath been repreſented to the Aſſembly of this Province, by the Honourable Brigadier General *John Stanwix*, and Colonel *John Hunter*, Agent for *John Tomlinſon*, *John Hanbury*, *George Colebrooke*, and *Arnold Nesbit*, the Contractors with the Right Honourable the Lords Commiſſioners of his Majeſty's Treaſury, on Behalf of his Majeſty, That a Sum of Money is wanted, not only to pay off the Waggonage and other Expences of the laſt Campaign, but alſo to carry on the preſent Expedition to the Weſtward againſt his Majeſty's Enemies, which cannot be procured in Time for the Purpoſes aforeſaid, and without which the Sums of Money now due to the Inhabitants of this Province, for Services done in the laſt Campaign, muſt remain unpaid, and the Expedition aforeſaid to the Weſtward, be thereby very much obſtructed, to the great Detriment of his Majeſty's Service, and the Good of theſe Colonies: In order therefore to further the ſaid Service, and remedy the Inconveniencies aforeſaid, BE IT ENACTED by the Authority aforeſaid, That the ſaid Truſtees ſhall, for the Purpoſes aforeſaid, lend to the ſaid Colonel *John Hunter*, Agent for the Contractors aforeſaid, the Sum of *Thirty-ſix Thouſand Six Hundred and Fifty Pounds*, of the Bills of Credit directed to be ſtruck by Virtue of this Act, and the further Sum of *Thirteen Thouſand Three Hundred and Fifty Pounds*, of the Bills of Credit paid into their Hands by the Mortgagors aforeſaid, which are not ſunk or deſtroyed, but directed to be re-emitted by this Act, any Thing herein contained to the contrary notwithſtanding, he, the ſaid Colonel *John Hunter*, Agent for the Contractors aforeſaid, delivering to them, in Security for the Re-payment of the ſame Sums of Money, Bills of Exchange, not exceeding *Five Hundred Pounds Sterling* each, drawn by him the ſaid Colonel *John Hunter* on the ſaid *John Tomlinſon*, *John Hanbury*, *George Colebrooke*, and *Arnold Nesbit*, Contractors as aforeſaid, for the Sum of *Thirty-three Thouſand Three Hundred and Thirty-three Pounds, Six Shillings and Eight-pence*, *Sterling* Money of *Great-Britain*, payable to them the ſaid Truſtees, or their Order, on thirty Days Sight, to be redeemed and taken up by the ſaid Colonel *John Hunter*, or the ſaid Contractors, in twelve Months from the Publication of this Act. And the ſaid Truſtees ſhall alſo receive, as a further Security for the Payment of the ſaid Sums of Money hereby directed to be lent, one Bond or Writing obligatory in the penal Sum of *One Hundred Thouſand Pounds*, conditioned for the Payment of the Money to be borrowed as aforeſaid to the ſaid Truſtees and their Succeſſors, on or before the Twenty-firſt Day of *June*, 1760, to be duly and legally ſealed and delivered by the ſaid Brigadier General *John Stanwix*, and the ſaid Colonel *John Hunter*. And that he, the ſaid Colonel *John Hunter*, ſhall pay and defray the Coſts and Charges of printing, ſigning and ſinking the Bills hereby directed to be ſtruck and lent as aforeſaid.

No Intereſt to accrue until Default be made in Payment, &c.

PROVIDED ALWAYS NEVERTHELESS, That until Default be made in Payment of the ſaid Sum of *Fifty Thouſand Pounds*, no Intereſt ſhall ariſe, accrue, or be paid for the ſame; but if Default be made or ſuffered in Payment of the ſaid Sum of *Fifty Thouſand Pounds*, or any Part thereof, according to the Condition of the Writing obligatory aforeſaid, Intereſt, at the Rate of *Five per Cent.* ſhall be paid, for the Loan aforeſaid from the Time of ſuch Default. And it ſhall and may be lawful, and the ſaid Truſtees are hereby required to ſell and diſpoſe of the ſame Bills of Exchange to any Perſon or Perſons whatſoever, at the beſt Price that can be got for the ſame, ſo that as many of the ſame Bills of Exchange be ſold as ſhall be ſufficient to pay and diſcharge the Sums of Money ſo lent, with the Intereſt and Charges aforeſaid, within the Space of Twelve Months, returning the Overplus, if any be, to the ſaid Colonel *John Hunter*. And in caſe the Sale of the ſaid Bills of Exchange ſhall not amount to the Sum of Money lent as aforeſaid thereon, and the Intereſt thereof as aforeſaid, they the ſaid Truſtees ſhall take ſuch legal Methods, Ways and Means for recovering the Reſidue thereof of and from the ſaid Obligors on the ſaid Writing obligatory, as they ſhall think moſt conducive to that Purpoſe: And as ſoon as the ſaid Truſtees ſhall receive and recover the ſaid Sum of Money ſo lent, they ſhall exhibit *Thirty-five Thouſand Pounds* thereof to the aforeſaid Committees of Aſſembly, who having examined and compared them, ſhall cauſe the ſame to be burnt, ſunk and deſtroyed in their Preſence; and the Reſidue of the ſaid Sum ſo lent they ſhall emit and lend out to the Inhabitants of this Province in the ſame Manner, for the ſame Space of Time, and under the ſame Security, as other the Monies to be by Virtue hereof re-emitted on Loan, are directed to be re-emitted.

Truſtees to indorſe their Receipts on the Mortgage Deeds, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Truſtees ſhall indorſe upon each Mortgage Deed their Receipts of all the yearly Quotas to be paid by the reſpective Mortgagors, which they ſhall alſo note on the Counter-parts to them produced, when required, for which Receipts they ſhall be paid by the Mortgagors *Six-pence* each, and no more; and upon the laſt Payment thereof, the ſaid Truſtees ſhall enter in the Margin of the Enrollment of the Mortgage Deed the

the Time of the Diſcharge thereof, for which they ſhall receive of the Mortgagor *Six-pence*, and no more.

And ſhall keep fair Accounts, &c. Their Salary.

AND the ſaid Truſtees ſhall keep diſtinct, fair and true Accounts of all the Sums they receive by Virtue of this and the before recited Acts reſpectively, and of what they lend, pay or emit by Virtue hereof, or by Orders of the Aſſembly, whether in Part of Principal or Intereſt Monies, and ſhall have and receive for their Trouble and Service, the Sum of *One Hundred Pounds* a piece *per Annum*, during the Continuance of their re-emitting on Mortgage, as this Act directs, which will be until the fifteenth Day of *October*, *Anno Domini* One Thouſand Seven Hundred and Sixty-nine, and afterwards the Sum of *Eighty Pounds* a piece *per Annum* during the future Continuance of this Act, which Payments ſhall be made in Bills of Credit of this Province unto each of them, his Executors or Adminiſtrators.

Shall account once a Year with the Committees of Aſſembly, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Truſtees ſhall once in every Year, or oftener, exhibit their Accounts aforeſaid unto the Committees of Aſſembly of this Province, appointed for that Purpoſe, with whom they ſhall from Time to Time ſettle and adjuſt: And all the Intereſt Money by them from Time to Time received being accounted for, and the Salaries and Charges allowed for by this Act, being deducted, the Reſidue thereof ſhall be diſpoſed of as the Aſſembly of this Province ſhall direct and appoint; and as for and concerning all yearly Quotas and Payments in the Bills aforeſaid (Part of the Principal Sums to be emitted or re-emitted upon Loans as this Act directs) which, by Virtue hereof, or of any Mortgage or Security heretofore taken, or to be taken as aforeſaid, ſhall be recovered or received, and remaining in the Loan-Office, on or after the fifteenth Day of *October*, in the Year of our Lord One Thouſand Seven Hundred and Sixty-nine, the Truſtees of the Loan-Office aforeſaid ſhall, from Time to Time, as they come to their Hands, exhibit the ſame Bills to the aforeſaid Committees, who, having duly examined and compared them, ſhall cauſe the ſame to be burnt and deſtroyed in their Preſence.

Truſtees to keep Mortgagors up to their annual Payments.

AND the better to prevent Inconveniencies ariſing from indulging the Mortgagors to be behind in their Payments, hereby directed to be made, BE IT FURTHER ENACTED by the Authority aforeſaid, That the Truſtees for the Time being ſhall, and they are hereby required to keep the Mortgagors, in Purſuance of this Act, up to their annual Payments, as by the ſame Act is directed and appointed: And the Committees of Aſſembly, to be annually appointed to audit the ſaid Truſtees Accounts, are hereby directed not to allow of any Quotas in Arrear and unpaid, which have been due twelve Months at the Time of the Settlement, excepting only ſuch Sums for which the Truſtees have commenced Suit, or otherwiſe have proceeded, according to the Direction of this Act, for the Recovery of the Money due.

Truſtees to chuſe a Clerk.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, that the ſaid Truſtees ſhall, for the better regulating of their ſaid Office, chuſe and employ a fit and able Perſon for their Clerk, during their Pleaſure, for whom they ſhall be anſwerable, who ſhall prepare the Deeds of Mortgage, with the Mortgagors Affidavits, Bonds, Warrants of Attorney, and Releaſes of Errors; and ſhall have and receive the following Fees, and no more, *viz.* For every Mortgage Deed, recording the ſame, the Counter-part or Copy thereof, the Mortgagors Oath or Affirmation endorſed on the Mortgage Deed, and the Bond, Warrant of Attorney and Releaſe of Errors, the Sum of *Twenty Shillings*, and no more, to be paid by the ſaid Truſtees out of the Intereſt Money aforeſaid. And the ſaid Clerk ſhall keep true Accounts of the Names of all Perſons applying to borrow on Securities, as this Act directs, and ſhall record their Deeds of Mortgage in the ſame Order of Time as they were executed. And ſhall once a Year make out a Liſt of the Names of all Mortgagors, by this Act directed, with the Sums they borrow, and Date of their Mortgage Deeds; and the ſame Liſts ſhall deliver to the Committees of Aſſembly, to be appointed Auditors of the ſaid Truſtees Accounts: But before any Perſon, ſo choſen to be Clerk, ſhall enter upon the Execution of his Office, he ſhall take an Oath or Affirmation before ſome Juſtice of the Peace, *That he will truly and faithfully perform the Office and Duty that is directed and required of him by this Act, wherein he will make no undue Preference, unneceſſary Delays, or fraudulent Practice*

His Fees and Duty.

Clerk's Qualification.

Penalty on Counterfeiters, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Perſon or Perſons ſhall preſume to counterfeit any of the ſaid Bills of Credit, made current by this Act, or any Law of this Province, by printing, or procuring the ſame to be printed in the Likeneſs of the ſaid genuine Bills of Credit; and alſo, if any Perſon or Perſons ſhall forge the Name or Names of the Signers of the true Bills of Credit to ſuch counterfeit Bills, whether the Counterfeiting of the ſaid Bills or Names be done within this Province, or elſewhere, or ſhall utter ſuch Bills, knowing them to be ſo counterfeited as aforeſaid, and being thereof legally convicted, by Confeſſion, ſtanding mute, or by the Verdict of twelve Men, in any Court of Record within this Province, he, ſhe or they ſhall ſuffer Death, without Benefit of the Clergy. And the Diſcoverer or Informer ſhall have as an Encouragement for his Diſcovery, the Sum of *Fifty Pounds* of the Goods and Chattles, Lands and Tenements of the Perſon convicted; and if no ſuch Goods and Chattels can be found, then the Truſtees of the General Loan-Office ſhall pay to ſuch Informer or Diſcoverer, his Executors, Adminiſtrators or Aſſigns, the Sum of *Ten Pounds*. And if any Perſon or Perſons ſhall counterfeit any of the ſaid Bills of Credit of this Province, by altering the Denomination of the ſaid Bills, with Deſign to increaſe the Value of ſuch Bills, or ſhall utter ſuch Bills, knowing them to be ſo counterfeited or altered as aforeſaid, and ſhall thereof be legally convicted in any Court of Record in this Province, ſuch Perſon or Perſons ſhall be ſentenced to the Pillory, and to have both his or her Ears cut off, and nailed to the Pillory, and to be publickly whipt on his or her bare Back with Thirty-one Laſhes, well laid on. And moreover, every ſuch Offender ſhall forfeit the Sum of *One Hundred Pounds*, lawful Money of *Pennſylvania*, to be levied on his and her Lands and Tenements, Goods and Chattels, the one Half to the Uſe of the Governor, and the other Half to the

the Diſcoverer; and the Offender ſhall pay to the Party grieved double the Value of the Damages thereby ſuſtained, together with the Coſts and Charges of Proſecution. And in caſe the Offender hath not ſufficient to ſatisfiy the Diſcoverer for his or her Damages and Charges, and pay the Forfeiture aforeſaid, in ſuch Caſe the Offender ſhall, by Order of the Court where he or ſhe was convicted, be ſold for any Term not exceeding ſeven Years, for Satisfaction; and in ſuch Caſe the ſaid Truſtees ſhall reward the Diſcoverer of ſuch inſolvent Offender to the Value of *Five Pounds*. And every ſuch Counterfeit Bill ſhall be delivered to any of the ſaid Truſtees, to be made uſe of upon the Trial of the Perſon accuſed or ſuſpected, and afterwards to be burnt or deſtroyed by the ſaid Truſtees, in the Preſence of a Committee of Aſſembly.

AND IT IS HEREBY DECLARED AND ENACTED by the Authority aforeſaid, That this Act ſhall be taken and allowed, in all Courts and Places within this Province, as a publick Act, and all Judges, Juſtices and other Perſons concerned, are hereby required to take Notice thereof as ſuch, without pleading the ſame ſpecially. Publick Act.

Paſſed *June* 20th, 1759. Recorded A. Vol. 4. p. 113.

LXXXVI. *An* ACT *for the Relief of the Heirs, Deviſees and Aſſigns of Perſons born out of the King's Legiance, who have been Owners of Lands within this Province, and have died unnaturalized.*

WHEREAS it hath heretofore happened, that divers Perſons, born out of the Legiance of our preſent Sovereign King GEORGE the Second, induced by the Lenity of our Government, the Invitation of the late Proprietary, and their Deſires of partaking of thoſe Advantages, which *Britiſh* Subjects within this Colony enjoy, have tranſported themſelves and their Effects amongſt us, and made Purchaſes of divers Tracts of Land, and died without being naturalized; Therefore, for remedying the Inconveniencies which have happened by theſe Means to their Heirs, Deviſees and Aſſigns, BE IT ENACTED by the Honourable *WILLIAM DENNY*, Eſq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *New-Caſtle*, *Kent*, and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That where any Perſon or Perſons, born out of the Legiance of our ſaid Sovereign King GEORGE the Second, or his Predeceſſors, Kings and Queens of *Great-Britain*, have heretofore purchaſed any Lands, Tenements or Hereditaments within this Province, and have died, not having been naturalized, his, her, or their Eſtate, Right, Title and Intereſt in ſuch Lands, Tenements and Hereditaments heretofore conveyed by Deed, executed or deviſed by laſt Will and Teſtament, made and publiſhed in the Preſence of two or more ſubſcribing Witneſſes, ſuch Conveyance, Deviſe, or Deviſes, ſo made, ſhall be deemed, adjudged and taken, to be as good, effectual and available in the Law, to all Intents, Conſtructions and Purpoſes, as if ſuch Perſons, ſo conveying or deviſing, had been natural born Subjects within this Province. Preamble. All Deviſes of Land made by Perſons who died not naturalized to be good.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That where any ſuch Purchaſes of Lands, Tenements and Hereditaments have been made by any ſuch Perſon or Perſons, born out of the King's Legiance as aforeſaid, who have died unnaturalized and inteſtate as aforeſaid, his, her or their Lands, Tenements and Hereditaments ſo purchaſed, ſhall deſcend, and be divided to and amongſt ſuch Inteſtate's Wife, Children or other Relations, in ſuch Manner and Form as by the Laws of this Province the Lands Tenements and Hereditaments of the King's natural born Subjects now do, any Law, Uſage or Cuſtom to the contrary thereof notwithſtanding. Their real Eſtates to deſcend to their Wives, Children, &c.

Paſſed *June* 20th, 1759. Recorded A. Vol. 4. p. 132.

LXXXVII. *An* ACT *for the more effectual ſuppreſſing and preventing of Lotteries and Plays.*

WHEREAS many miſchievous and unlawful Games, called Lotteries, have been ſet up in the City of *Philadelphia*, which tend to the manifeſt Corruption of Youth, and the Ruin and Impoveriſhment of many poor Families: And whereas ſuch pernicious Practices may not only give Opportunities to evil diſpoſed Perſons to cheat and defraud the honeſt Inhabitants of this Province, but prove introductive of Vice, Idleneſs and Immorality, injurious to Trade, Commerce and Induſtry, and againſt the Common Good, Welfare and Peace of this Province: For remedying whereof BE IT ENACTED ADJUDGED AND DECLARED, and it is hereby enacted, adjudged and declared by the Honourable *WILLIAM DENNY*, Eſq; Lieutenant Governor under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That all Lotteries whatſoever, whether public or private, are common and public Nuſances, and againſt the common Good and Welfare of this Province. Preamble. All Lotteries declared public Nuſances.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That from and after the Publication of this Act, no Perſon or Perſons whatſoever ſhall publickly or privatly ſet up, erect, make, exerciſe, keep open, ſhew, or expoſe to be play'd at, drawn at, or thrown at, or ſhall cauſe or procure the ſame to be done either by Dice, Lots, Cards, Balls, Tickets, or any other Numbers or Figures, or in any other Manner or Way whatſoever: And that every Perſon or Perſons that ſhall ſet up, erect, make, exerciſe, keep open, ſhew, or expoſe to be play'd at, drawn or thrown at any ſuch Lottery, Play or Device, Penalty on ſetting up Lotteries.

or that ſhall cauſe or procure the ſame to be done after the Publication of this Act, and ſhall be thereof legally convicted in any County Court of Quarter-Seſſions within this Province where the ſaid Offences ſhall be committed, or in the Supream Court thereof, ſhall forfeit and pay the Sum of *Five Hundred Pounds* lawful Money of *Pennſylvania*.

On Buyers and Sellers of Tickets Advertiſers, &c.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all and every Perſon or Perſons whatſoever that ſhall buy, ſell or expoſe to Sale, or that ſhall advertiſe, or cauſe to be advertiſed, the Sale of any Ticket or Tickets, or Device whatſoever in ſuch Lotteries, Plays or Devices, or that ſhall be aiding, aſſiſting, or in any Ways concerned in managing, conducting, or carrying on ſuch Lotteries, Plays and Devices, by whatſoever Name the ſame may be called, and be legally convicted thereof in either of the Courts aforeſaid, ſhall forfeit and pay the Sum of *Twenty Pounds*, lawful Money of *Pennſylvania*, for every ſuch Offence.

AND WHEREAS ſundry evil diſpoſed Perſons, with Deſign to elude and evade the Force of the wholeſome Laws made in the neighbouring Province of *New-Jerſey* againſt Lotteries, and the Penalties thereof, have ſet up, made and erected ſundry Lotteries, and drawn the ſame on *Biles's Iſland*, in the River *Delaware*, a Place contiguous to, but out of the Juriſdiction of the ſaid Province, and have ſold great Part of their Tickets of ſuch Lotteries to the People of this Government, to their manifeſt Injury, and againſt the common Good of this Colony: For remedying whereof, BE IT ENACTED by the Authority aforeſaid, That all and every Perſon and Perſons whatſoever that ſhall, within this Province, buy, ſell or expoſe to ſale, or ſhall advertiſe, or cauſe to be advertiſed, the Sale of any Tickets or Ticket, or other Device whatſoever, in any Lottery, Play, or Device whatſoever, which ſhall be hereafter ſet up, erected, made, exerciſed, kept open, ſhewn, or expoſed to be drawn at, play'd at, or thrown at, either in the ſaid Iſland, or any other Iſland in the ſaid River, or in or at any Place or Places out of this Province, and be thereof legally convicted in Manner aforeſaid, ſhall forfeit and pay the Sum of *Twenty Pounds*, lawful Money of *Pennſylvania*, for every ſuch Offence.

Penalty on erecting Stages, ſhewing Plays, &c.

AND WHEREAS ſeveral Companies of idle Perſons and Strollers have come into this Province from foreign Parts in the Characters of Players, erected Stages and Theatres, and thereon acted divers Plays, by which the weak, poor and neceſſitous have been prevailed on to neglect their Labour and Induſtry, and to give extravagant Prices for their Tickets, and great Numbers of diſorderly Perſons have been drawn together in the Night, to the great Diſtreſs of many poor Families, manifeſt Injury of this young Colony, and grievous Scandal of Religion, and the Laws of this Government, BE IT THEREFORE ENACTED, by the Authority aforeſaid, That every Perſon and Perſons whatſoever, that from and after the firſt Day of *January*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty, ſhall erect, build, or cauſe to be erected or built any Playhouſe, Theatre, Stage or Scaffold, for acting, ſhewing or exhibiting any Tragedy, Comedy, or Tragi-Comedy, Farce, Interlude, or other Play, or any Part of a Play whatſoever, or that ſhall act, ſhew, or exhibit them, or any of them, or be in any ways concerned therein, or in ſelling any of the Tickets aforeſaid, in any City, Town or Place within this Province, and be thereof legally convicted in Manner aforeſaid, ſhall forfeit and pay the Sum of *Five Hundred Pounds*, lawful Money aforeſaid.

Fines how to be diſpoſed of.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That all the Fines, Forfeitures and Penalties hereby inflicted, ſhall be paid to the Contributors of the *Pennſylvania* Hoſpital, to and for the Uſe of the ſaid Hoſpital, and to and for no other Uſe whatſoever.

Repeal of a Clauſe in a former Act,

AND BE IT ENACTED by the Authority aforeſaid, That, the Clauſe in an Act of Aſſembly of this Province, intituled, "*An Act for regulating Pedlars, and Vendues*," &c. enacting, "that if any Perſon or Perſons ſhall preſume or take upon him, her or themſelves, from and after the Publication of the ſaid Act, upon any Pretence whatſoever, privately or publickly, to ſet up, exerciſe, or keep any Lottery or Lotteries within this Province of *Pennſylvania*, and be thereof legally convicted, he, ſhe, or they ſhall forfeit *One Hundred Pounds*; one Moiety thereof to the Governor, and the other Moiety to any Perſon that will ſue for the ſame," is hereby repealed, and declared to be null, void, and of none Effect.

Paſſed *June* 20th 1759. Recorded A. Vol. 4. p. 129.

XXXIII. GEO. II.

LXXXVIII. *An* ACT *for recording of Warrants and Surveys, and for rendering the real Eſtates and Property within this Province more ſecure.*

Preamble.

WHEREAS many Inconveniencies and Loſſes have ariſen and happened to the Inhabitants of this Province, for want of a proper Office for the Recording of Warrants and Surveys, and of an Officer appointed, under the neceſſary Qualifications and Security, well and faithfully to execute and diſcharge the Duties of the ſaid Office, whereby the real Property and Eſtates within this Government have been rendered, and ſtill are, very inſecure and precarious: For remedying whereof, and for preſerving authentick Duplicates of all ſuch Warrants and Surveys, whereon the Eſtates and Properties of the Freeholders of this Province ſo much depend, BE IT ENACTED by the Honourable *WILLIAM DENNY* Eſq; Lieutenant Governor under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries, of the Province of *Pennſylvania*, and Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province, in General Aſſembly met, and by the Authority of the ſame, That there ſhall be an Office of Record, called and ſtiled, *The Office for Recording of Warrants and Surveys*, which ſhall be kept in ſome convenient Place in the City of *Philadelphia*; and the Recorder,

The Office for Recording of Warrants &c. eſtabliſhed.

Recorder, in and by Virtue of this Act hereafter to be appointed, ſhall duly and faithfully attend the Service of the ſame, provide, at his own proper Coſts and Charges, Parchment, or good large Books, of Royal or other large durable Paper, well bound and covered, wherein he ſhall record, in a fair and legible Hand Writing, all Minutes of Property, Warrants granted or made by the Proprietaries, or their Commiſſioners of Property, Surveys, Books of Surveys, general and particular Maps, Charts or Draughts, made by any publick Surveyor or Surveyors, his or their Deputy or Deputies, for Lands within this Province which ſhall be brought to him for that Purpoſe, in the ſaid Books ſo to be provided by him, according to the true Intent and Meaning of this Act, under the Penalty of *Twenty Pounds* for every Warrant or Survey, or other Paper aforeſaid, he ſhall refuſe or neglect to record in Manner aforeſaid, the ſame being firſt proved by the Oath or Affirmation of one or more Witneſſes, or acknowledged by the Surveyor General, or his Deputy, who ſhall make the ſame before any Juſtice of the Peace of this Province; which Acknowledgment and Oath, or Affirmation, the ſaid Juſtices are hereby authorized and required to take and adminiſter, and to certify the ſame under their Hands and Seals; for which Certificate and Seal, they ſhall have and receive *One Shilling*, and no more: And that the Record or Entry of all Warrants and Surveys, Minutes of Property, and other Papers directed to be recorded by this Act, or Exemplifications, or Copies thereof, being examined by the Recorder, and certified under his Hand, and the Seal of his Office (which he is hereby required to affix thereto) ſhall be allowed, deemed and taken, and is hereby declared to be as good Evidence, and as valid and effectual in Law as the Originals themſelves; and the ſame may be ſued, pleaded, and made uſe of accordingly.

The Officers Charge.

Penalty on Neglect.

Warrants, &c. to be acknowledged or proved before recorded.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Officer or Recorder ſhall, and he is hereby enjoined, required, authorized and empowered to collect, demand, receive, ſue for, and recover, of and from all and every Perſon and Perſons whatſoever, all Minutes of Property, Warrants and Surveys, Books of Survey, general and particular Charts, Maps or Draughts of Lands within this Province, heretofore granted by the Proprietaries, or made and ſigned by any publick Surveyor or Surveyors, his or their Deputy or Deputies, which ought to have been returned and lodged in either of the ſaid Offices, and may be of Uſe to any Perſon or Perſons, having or claiming any Right to Lands in this Province, in proving ſuch their Rights or Claims to any Tract or Parcel of Land heretofore ſurveyed, located, purchaſed or agreed for with the Proprietor or Proprietaries of this Province; and when recovered ſhall enter and record the ſame in Manner aforeſaid. And in caſe the Warrant, Survey-Book, Chart, Map or Draught, or other Paper aforeſaid, ſo proſecuted or ſued for, cannot be re-delivered by the Defendant, and if it ſhall be proved to the Satisfaction of the Jury, that the ſame was burned, deſtroyed, or otherwiſe made away with, at any Time after the paſſing of this Act, by and with the Conſent or Procurement of ſuch Defendant, then the ſaid Officer ſhall recover double the Value of the Land in Damages, to and for the Uſe of ſuch Perſon or Perſons to whom the ſame ſhall of Right appertain and belong; the Coſts and Charges of which ſaid Suits (if commenced and proſecuted at the Requeſt of any private Perſons to whom the Thing ſued for ſhall belong) in caſe no Recovery is had thereon, or the Defendant ſhall prove inſolvent, ſhall be paid and defrayed by the Perſon or Perſons requeſting the ſame; if brought for the Benefit and Advantage of the Public, then to be paid out of the publick Treaſury, out of ſuch Monies as ſhall be raiſed from Time to Time by Act of General Aſſembly, for the Support of Government.

The Recorder impowered to collect, &c. all Warrants &c. from all Perſons whatſoever.

AND Whereas for the moſt Part the Watrants and Surveys, and other Writings made in Purſuance of the *bona Fide* Purchaſes, and Contracts, entered into with the Proprietaries of this Province by original Purchaſers, firſt Adventurers, and others the Inhabitants of this Province, under which they hold and claim their Lands and real Eſtates, have been from Time to Time returned to, and depoſited in the Surveyor General's Office of this Province, in looſe Pieces of Paper, but not duly and regularly recorded, nor is the Secretary of this Province, or the ſaid Surveyor General, bound or obliged to record either the Minutes of Property or the ſaid Papers, or under any legal Qualification to take Care of, or preſerve the ſame for the Uſe of the People to whom of Right they belong, by Reaſon whereof many Warrants, Surveys and other Papers, have been miſlaid, or loſt, to the grievous Injury and Damage of the Owners thereof, and great Inſecurity of the Rights and Properties of the People of this Province: For remedying whereof BE IT ENACTED by the Authority aforeſaid, that the Officer appointed by Virtue of this Act, with his Deputies and Clerks, ſhall have free Acceſs to all Minutes of Property, Warrants, Surveys, Books of Surveys, general and particular Charts, Maps and Draughts of Land, and other Papers relating or referring to them, or any of them (in which any of the ſaid Purchaſers or Inhabitants are intereſted in any Manner whatſoever) which have been returned or depoſited in the Offices of the Secretary or Surveyor General; and having firſt numbered the ſame in Words at Length, and taken a Liſt or Inventory of every ſuch Warrant, Survey, Book of Surveys, Charts, Maps and Draughts of Lands, and other Papers aforeſaid, ſhall take the ſame in ſmall and convenient Parcels, ſuch as may be recorded by the ſaid Officer and his Clerks in one Month, into his Cuſtody, Poſſeſſion and Power, which he ſhall record with all convenient Speed in the like Manner as is herein before directed for the recording of the Warrants and Surveys, and other Writings, herein before directed to be entered and recorded, according to the true Intent and Meaning of this Act, either by taking the Books in which the ſaid Minutes of Property, Warrants, Surveys and other Papers are intended to be recorded to the ſaid Offices of the Secretary and Surveyor General reſpectively, and there tranſcribing, recording and examining the ſame without removing them; or by removing them to the Office of the Officer appointed by Virtue of this Act, and recording them there as the ſaid Officer ſhall think moſt convenient and ſafe for recording them; in which latter Caſe the ſame Officer ſhall, from time to time, as he ſhall take and receive the ſaid Papers, give a Receipt for ſuch Minutes of Property, and every Warrant, Survey Book, Draught or other Paper he ſhall ſo remove, according to the Numbers in the Liſt or Inventory aforeſaid, and as ſoon as he ſhall have recorded, examined and compared the ſame with the Record, ſhall return them, and every of them, in like Order into the ſaid Offices of the Secretary and Surveyor General reſpectively, under the Penalty of *One Thouſand Pounds*.

To have free Acceſs to the Offices of the Secretary and Surveyor Gen.

AND

Who shall deliver to the Recorder on Demand all Papers, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Secretary and Surveyor General or Keepers of the said Writings by this Act directed to be recorded, shall, and they and each of them are hereby enjoined and required, on a Demand made by the Officer for recording of Warrants and Surveys aforesaid, to discover, shew and deliver to him, all and every the before-mentioned Papers, Books and Writings in his or their Custody, Possession or Power, that the same may be recorded pursuant to the Directions herein before-mentioned, under the Penalty of *Five Hundred Pounds* for every such Minute of Property, Warrant, Survey, Book of Surveys, Charts, Maps or Draughts, or other Papers aforesaid, they or either of them shall conceal, refuse or neglect to deliver as aforesaid.

All Warrants to be recorded before the Survey is made thereon. The Lands to be surveyed within 40 Days, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That from and after the passing of this Act every Warrant that shall be granted and issued by the Proprietaries, or their Commissioners of Property, shall be sent and transmitted by the Secretary to the Office for recording of Warrants and Surveys aforesaid, in order that the same may be recorded before the Lands are surveyed and located, under the Penalty of *Ten Pounds;* and that the Surveyor General, or his Deputy, to whom any such Warrant shall be directed, shall, within forty Days after the Receipt thereof, and Request made by the Party to whom granted, survey, or cause to be surveyed, agreeable to the Directions, true Intent and Meaning of the said Warrant, the Lands therein particularly mentioned and specified, if the same be thereby particularly located; if not, such Lands as the Party shall discover and show, or offer so to do for that Purpose, provided the same be vacant, and not located by any prior Warrant, under the Penalty of *Fifty Pounds* for every Neglect or Refusal in the Premises; and that the Surveyor General of this Province, his or their Deputies, from Time to Time hereafter, as soon as he, they or any of them, shall have surveyed a Tract or Piece of Land for the Use of any Person or Persons whatsoever, in Pursuance of a Warrant granted for that Purpose, upon the reasonable Request and Tender of his Fees by such Person or Persons, with all convenient Speed afterwards shall deliver a true Copy of such Survey to the Person or Persons requesting the same, and make a Return of the true Courses, Distances and Bounds thereof, together with a Map, Chart or Draught of the same into the Surveyor General's Office, under the Penalty of *Fifty Pounds*, and the said Surveyor General shall, and he is hereby enjoined and required to examine and correct the same, and within twenty Days after he shall make or receive such Return, shall, under the Penalty of *Fifty Pounds*, transmit and deliver over the same Survey so corrected to the Officer appointed by Virtue of this Act, that the same may be recorded in Manner aforesaid.

Surveyors to deliver a Draught to the Owners,

and make Return into Surv G. O.

who shall transmit it to the Recorder.

Appointment of the Officer.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That *John Hughes*, of *Philadelphia*, shall be the Recorder and Officer to put this Act, and the several Matters and Things herein required in Execution; and in case the said Officer shall, by any Accident, be rendered incapable, or neglect to execute the said Office, or shall misbehave himself therein, or happen to die, then and so often, and from Time to Time, it shall and may be lawful to and for a Majority of the Judges of the Supream Court for the Time being to supply his Place, by appointing some other fit and capable Person in his Room, who shall be the Officer for putting this Act in Execution, until the Assembly of this Province for the Time being shall appoint another: But before any such Officer hereby or hereafter to be appointed, shall enter upon the Duties of his said Office, he shall take an Oath or Affirmation before one of the Justices of the Peace, faithfully to perform his Duty and Trust to the best of his Skill, Capacity and Judgment, according to the Directions of this Act: And the said Officer shall likewise give Bond and Security in the Sum of *One Thousand Pounds*, conditioned for the true and faithful Execution of his said Office, and for his delivering and surrendering up whole, safe, and undefaced to his Successor in his said Office, all the Records and Books of Records, Maps, Draughts, Warrants, Surveys and other Writings belonging to the said Office which have come to his Hands, Custody, Possession and Power by Virtue and in Pursuance of this Act, during the Execution of his Office; which said Bond shall be taken in the King's Name, and filed in the Master of the Rolls Office, and there safely kept, in order to be made Use of for making Satisfaction to the Parties injured and aggrieved, in the same Manner as the Bonds or Obligations given by the Sheriffs of the several Counties are by Law directed to be made Use of, sued, prosecuted and applied.

who shall be qualified and give Bond.

His Fees to be paid by the Parties,

AND BE IT ENACTED by the Authority aforesaid, That the said Officer shall have and receive for recording, and for copying and exemplifying all Minutes of Property, Warrants, Surveys and other Writings, which he shall receive from the Secretary or Surveyor General as aforesaid, *an Half-penny* for every Line containing not less than twelve Words: And for every Warrant and Survey, together with the Draught, which shall be hereafter returned into his Office as aforesaid, the Sum of *Two Shillings and Six-pence:* And for every Search, *One Shilling*; and shall have and receive for affixing the Seal of said Office, and Indorsement of Certificate, and signing the same, *Eighteen-pence*, and no more, to be paid by the Person for whose Use the same shall be made, PROVIDED NEVERTHELES that the Expence of such Warrants, Surveys, and other Writings as shall be delivered over to him in Manner aforesaid by the Secretary or Surveyor General, shall be paid for and defrayed by the Publick, out of such Money as shall be hereafter raised by Act of General Assembly for the Support of Government: And the Secretary shall have and receive for transmitting every Warrant hereafter granted, to the Office hereby established, the Sum of *Six-pence*, to be paid by the Person to whom granted: And the said Surveyor General, and the said Officer hereby appointed, shall have for themselves respectively, and each of their Clerks, *Five Shillings per Diem* for every Day they shall be employed in taking the List and Inventory aforesaid, to be paid out of such Money as shall be hereafter raised, by Act of General Assembly, for the Support of Government: And if they the said Officers, or any of them, shall exact or take more or greater Fees, he or they so offending shall, for every such Offence, forfeit and pay the Sum of *Ten Pounds*, one Half whereof, and also of all other the Fines, Penalties and Forfeitures herby inflicted,

by the Publick.

Secretary's Fees.

Surveyor G. and Recorder's Wages.

shall

ſhall be and is hereby declared to be given to the Governor for the Support of Government; and the other Half to him who will ſue for the ſame, and ſhall be recovered by Bill, Plaint or Information, in any of his Majeſty's Courts of Record within this Province.

AND to prevent any Loſs or Damage, which the preſent Secretary, *Richard Peters*, Eſq; and Surveyor General, *Nicholas Scull*, ſhall or may ſuſtain in their reſpective Offices, by reaſon of the paſſing of this Act, BE IT THEREFORE PROVIDED AND ENACTED, That for and during the Continuance of the ſaid *Richard Peters* and *Nicholas Scull* in their ſaid reſpective Offices, all Searches, Exemplifications and Copies of the Minutes of Property, Warrants, Surveys, Charts, Maps, Draughts and other Papers aforeſaid, remaining in their ſaid Offices reſpectively, ſhall be firſt had, taken out, and paid for at their ſaid reſpective Offices by the Party applying for the ſame, as has been heretofore uſed and accuſtomed; which Exemplifications and Copies ſhall be produced to the Officer appointed by Virtue of this Act, before he ſhall give out any Exemplifications or Copies of the Record thereof in his Office: PROVIDED ALWAYS, That ſuch Copies or Exemplifications, ſo to be had from the ſaid Offices of Secretary and Surveyor General reſpectively, ſo be made and delivered to the Party applying within three Days after ſuch Application; which Exemplifications and Copies from the ſaid Secretary and Surveyor General's Offices reſpectively, ſhall be as good Evidence, to all Intents and Purpoſes, as the Exemplifications and Copies from the Office appointed by this Act.

All Searches, Exemplifications &c. to be taken out of the preſent Secretary's and Surveyor General's Offices, &c.

Paſſed *July* 7th. 1759. Recorded A. Vol. 4. p. 133.

LXXXIX. *A* SUPPLEMENT *to the Act intituled, "An Act for re-emitting the Bills of Credit of this Province heretofore re-emitted on Loan, and for ſtriking the further Sum of* Thirty-ſix Thouſand Six Hundred and Fifty Pounds, *to enable the Truſtees to lend* Fifty Thouſand Pounds *to Colonel* John Hunter, *Agent for the Contractors with the Right Honourable the Lords Commiſſioners of His Majeſty's Treaſury, for His Majeſty's Service."*

WHEREAS by an Act of General Aſſembly of this Province, made in the Thirty-ſecond Year of the preſent Reign, intituled, "*An Act for reemitting the Bills of Credit of this Province heretofore re-emitted on Loan, and for ſtriking the further Sum of* Thirty-ſix Thouſand, Six Hundred and Fifty Pounds, *to enable the Truſtees to lend* Fifty Thouſand Pounds, *to Colonel* John Hunter, *Agent for the Contractors with the Right Honourable the Lords Commiſſioners of His Majeſty's Treaſury, for His Majeſty's Service,*" it was provided and enacted, That the Truſtees of the General Loan-Office, out of the Bills of Credit to be ſtruck by Virtue of that Act, ſhould lend to Colonel *John Hunter*, Agent for *John Tomlinſon*, *John Hanbury*, *George Colebrook*, and *Arnold Nesbit*, Contractors with the Right Honourable the Lords Commiſſioners of His Majeſty's Treaſury, on Behalf of His Majeſty, the Sum of *Thirty-ſix Thouſand Six Hundred and Fifty Pounds*, and the further Sum of *Thirteen Thouſand Three Hundred and Fifty Pounds*, of the Bills of Credit heretofore ſtruck and emitted on Loan, and paid into the Hands of the Truſtees of the General Loan-Office, by Virtue of former Acts of Aſſembly of this Province, and not ſunk and deſtroyed as by the ſaid Acts, or any of them are directed; for the Security of the Re-payment of which ſaid ſeveral Sums of *Thirty-ſix Thouſand Six Hundred and Fifty Pounds*, and *Thirteen Thouſand Three Hundred and Fifty Pounds*, amounting in the Whole to *Fifty Thouſand Pounds*, he, the ſaid Colonel *John Hunter*, ſhould deliver to the ſaid Truſtees, Bills of Exchange drawn on the ſaid *John Tomlinſon*, *John Hanbury*, *George Colebrook*, and *Arnold Nesbit*, Contractors as aforeſaid, for the Sum of *Thirty Three Thouſand Three Hundred and Thirty-three Pounds*, *Six Shillings and Eight Pence*, *Sterling* Money of *Great-Britain*, payable to them the ſaid Truſtees, or their Order: and the ſaid Truſtees, as a further Security for the Re-payment of the ſaid ſeveral Sums of Money, thereby directed to be lent, were to take and receive one Bond or Writing obligatory, in the penal Sum of *One Hundred Thouſand Pounds*, conditioned for the Payment of the Money to be borrowed as aforeſaid, payable to them the ſaid Truſtees, and their Succeſſors, duly and legally ſealed and delivered by Brigadier General *John Stanwix*, and the ſaid Colonel *John Hunter*; all which ſaid Bills of Exchange, and Bond, were to be made payable and diſcharged at the Times, upon the Conditions, and in the Manner, as in and by the Act of Aſſembly, to which this is a Supplement, is directed and appointed.

AND WHEREAS Bills of Exchange have been drawn, and a Bond or Writing-obligatory executed in the Names of *Charles Norris*, *Thomas Leech*, *John Watſon*, *Nathaniel Grubb*, and *Emanuel Carpenter*, Truſtees in the laſt mentioned Act nominated and appointed, and thereupon delivered to the ſaid Truſtees, or ſome of them, and the Money paid according to the Directions, and in Purſuance of the ſaid Act; But foraſmuch as the ſaid *John Watſon*, one of the Truſtees nominated and appointed as aforeſaid, hath refuſed to take upon him, or accept of the Truſt, or to act as Truſtee, as by the ſaid Act is directed and appointed; therefore for preventing all Doubts which may ariſe from or by Means of the ſaid Refuſal of him, the ſaid *John Watſon*, and for amending, explaining, and remedying any other, or further Defects in the ſaid Act of Aſſembly herein before firſt abovementioned, intituled, "*An Act for re-emitting the Bills of Credit of this Province heretofore re-emitted on Loan, and for ſtriking the further Sum of* Thirty-ſix Thouſand, Six Hundred and Fifty Pounds, *to enable the Truſtees to lend* Fifty Thouſand Pounds *to Colonel* John Hunter, *Agent for the Contractors with the Right Honourable the Lords Commiſſioners of His Majeſty's Treaſury, for His Majeſty's Service,*" BE IT THEREFORE ENACTED, by the Honourable *WILLIAM DENNY*, Eſqr; Lieutenant Governor under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *New-Caſtle*, *Kent* and *Suſſex* upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That from and after the Paſſing of this Act, the ſaid *John Watſon* be, and hereby is diſcharged from executing the Office of Truſtee of the General Loan-Office of *Pennſylvania*, and that *William Smith*, of the County of *Bucks*, is hereby nominated Truſtee of the General Loan-Office of the Province of *Pennſylvania*, to ſucceed him, the ſaid *John Watſon*, in the ſaid Truſt, and immediately after the Paſſing

William Smith appointed a Truſtee of the Loan-Office, in the Room of John Watſon &c.

of this Act, to do, execute and perform, all and singular the Matters and Things whatsoever, enjoined and required to be done by him, the said *John Watson*, as one of the Trustees of the General Loan-Office aforesaid, as fully and amply to all Intents, Constructions and Purposes, as the said *John Watson* could or might have done, by Virtue of the Act by which he was appointed and nominated one of the Trustees of the General Loan-Office, and as fully as if the said *William Smith* had been nominated and appointed one of the Trustees of the General Loan-Office, in the Body of the said Act; he, the said *William Smith*, before he enters upon the Execution of his Trust, first giving Bond to the Provincial Treasurer, for the Time being, in the Sum of *Three Thousand Pounds*, with Condition for the due Execution of his Trust, and Performance of all Things required of him, as well by the several Acts of Assembly of this Province, as of this Act, and also taking an Oath, or Affirmation, as in and by the said Acts of Assembly, are enjoined and required.

Trustees dying, or refusing to act others to be appointed in their Stead, &

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any of the Trustees of the General Loan-Office, by the Act to which this is a Supplement, or by this Act named and appointed, shall neglect or refuse to act as a Trustee, or shall happen to die, or be removed for Misfeazance, some other fit Person or Persons shall be appointed in the Place or Places of such Trustee or Trustees, by the Assembly; which Trustees to be nominated by the Assembly, by Virtue of this Act, shall have the same Power and Authority, to all Intents, and Purposes, as the Trustees nominated and appointed by the Act, to which this is a Supplement, have, hold and enjoy, any Act of Assembly of this Province to the contrary notwithstanding.

Trustees to continue in their Office, four Years, &c.

PROVIDED ALWAYS, AND IT IS HEREBY FURTHER ENACTED That none of the Persons by the Act, to which this is a Supplement as aforesaid, or by this Act, nominated and appointed Trustees of the General Loan-Office, shall longer continue in the Exercise of the said Office, than the Space of four Years from the Time of the Commencement of their Trust, and from thence until a new Nomination and Appointment of the Trustees of the said General Loan-Office be made by the General Assembly, any Thing in this Act, or any other Act of Assembly of this Province to the contrary notwithstanding.

AND forasmuch as in and by the Act herein first above mentioned, it was declared and enacted, "That indented Bills of Credit of *Thirty-six Thousand Six Hundred and Fifty Pounds*, of lawful Money of *America* (according to an Act of Parliament made in the Sixth Year of the late Queen *Anne*, for ascertaining the Rates of foreign Coins in the Plantations of *America*) should, before the first Day of *June* next after the Passing of that Act, be prepared and printed on good strong Paper, under the Care and Direction of *Charles Norris*, *Thomas Leech*, *John Watson*, *Nathaniel Grubb*, and *Emanuel Carpenter*, Trustees of the General Loan-Office of the Province of *Pennsylvania*, and at the Charge of the Public, to be defrayed out of the Interest-Money arising, or to arise upon the Loan of any Bills of Credit formerly emitted by any Trustees of the said General Loan-Office;" but notwithstanding the aforesaid Provision for Payment of the Charges arising on the Printing the aforesaid Sum of *Thirty-six Thousand Six Hundred and Fifty Pounds*, therein directed, it is in and by the last abovementioned Act further provided, "that Colonel *John Hunter* shall pay and defray the Costs and Charges of Printing, Signing and Sinking the Bills of Credit thereby directed to be struck and lent to the said Colonel *John Hunter*;" and whereas it is but just and reasonable, and it was intended that the said Colonel *John Hunter* should pay and defray the Costs and Charges arising upon the Bills of Credit struck and lent as aforesaid, therefore, for the further explaining and amending the Act to which this is a Supplement, BE IT ENACTED by the the Authority aforesaid,

Colonel Hunter to pay the Charge of Printing &c, 36,650l.

That the said Colonel *John Hunter*, (and not the Trustees of the General Loan-Office) shall pay and defray the Costs and Charges of Printing, Signing and Sinking the Sum of *Thirty-six Thousand Six Hundred and Fifty Pounds*, directed to be struck and lent as aforesaid; and that the Signers of the said Bills shall have and receive for signing, and the Trustees shall have and receive for sinking the said Bills of Credit, the same Sum and Sums of Money as they are intitled to, and ought to have and receive by the Act herein first abovementioned, any Thing in the said Act to the contrary notwithstanding.

Limitation of this Act, preamble.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That this Act shall be and continue in Force, for and during the Continuance of the Act to which this is a Supplement, and no longer.

Passed *September* 29th 1759. Recorded A. Vol. 4. p. 140.

XC. *An* ACT *for appointing an Agent to apply for and receive the distributive Share and Proportion which shall be assigned to this Province of the Sum of Money granted by Parliament to his Majesty's Colonies in* America.

Preamble.

WHEREAS in Pursuance of his Majesty's most gracious Recommendation to the Parliament, they have been pleased to grant the Sum of *Two Hundred Thousand Pounds Sterling* Money of *Great-Britain*, towards making a Compensation for the large Aids and Supplies granted to his Majesty by this Province, and the other Colonies in *America*, in the Year One Thousand Seven Hundred and Fifty-eight, agreeable to his Majesty's Requisition by his Secretary of State's Letter: AND WHEREAS it is necessary that some Person be appointed in Behalf of this Province, and invested with proper Powers and Authority to apply for, and to have, take and receive, of and from his Majesty, or such Person or Persons, as he shall be graciously pleased to appoint for the Payment thereof, the Sum or Sums of Money which shall be allotted, given and granted to this Province, as its distributive Share of the said Sum of *Two Hundred Thousand Pounds*, granted as aforesaid; BE IT THEREFORE ENACTED by the Honourable *WILLIAM DENNY*, Esq; Lieutenant Governor under the Honourable THOMAS PENN and RICHARD

RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That *Benjamin Franklin*, Eſq; is hereby appointed, and fully authorized and impowered, in a due and proper Manner, to make Application to his Majeſty, or ſuch Perſon or Perſons as ſhall be appointed for the Payment thereof, for the Sum or Sums of Money which is, are, or ſhall be allotted to this Colony, as the diſtributive Share and Propottion of the ſaid Sum of Money granted as aforeſaid; and to have, take and receive the ſame, of and from ſuch Perſon or Perſons as ſhall be appointed for the Payment thereof; and when received, to depoſite the ſame in the Bank of *England*, where the ſame ſhall, and may remain, ſubject to the Draughts and Bills of Exchange of the Truſtees of the General Loan-Office of this Province for the Time being; which ſaid Draughts and Bills of Exchange, the ſaid Truſtees are hereby authorized and enjoined to make and draw in ſuch Manner as ſhall be moſt for the Advantage and Intereſt of the Publick, until they ſhall have drawn for the whole Sum ſo given, granted and allotted to this Colony; and when drawn, to ſell and diſpoſe of the ſaid Bills or Draughts for the beſt Price that may be had for the ſame in Bills of Credit of this Province.

B. F. appointed Agent.

His Charge.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the ſaid Truſtees ſhall, towards ſinking the Sum of Money heretofore granted to his Majeſty's Uſe, and in Abatement of the Taxes directed to be laid for that Purpoſe, pay all the Money that ſhall ariſe by the Sale of ſuch Bills or Draughts, in Bills of Credit aforeſaid, into the Hands of the Committees of Aſſembly, who ſhall be yearly appointed to ſettle the publick Accounts; which Bills of Credit the ſaid Committees are hereby authorized, enjoined and required to burn, ſink and deſtroy, unleſs the ſame ſhall be otherwiſe diſpoſed of by Act of Aſſembly.

Sums received by the Truſtees of the G. L. O. to be ſunk in Abatement of the Pro. Taxes.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, that the ſaid *Benjamin Franklin*, Eſq; ſhall have and receive for his Care and Trouble in receiving and depoſiting the ſaid Sum of Money in [*the ſaid Sum of Money in*] the Bank as aforeſaid, the Sum of one Half *per Centum*; and the ſaid Truſtees for drawing and negotiating the ſaid Bills, and for paying the Sums of Money thereby ariſing into the Hands of the ſaid Committees of Aſſembly, the Sum of one Quarter *per Centum*, and no more.

The Agent's and Truſtees Allowances.

Paſſed *September* 29th, 1759. Recorded A. Vol. 4. p. 147.

XCI. *A SUPPLEMENT to the Act intituled, "An Act for eſtabliſhing Courts of Judicature in this Province."*

FOR the further Advancement of Juſtice, and more certain Adminiſtration thereof, BE IT ENACTED by the Honourable *WILLIAM DENNY*, Eſq; Lieutenant Governor under the Honourable THOMAS PENN, and RICHARD PENN, Eſquires, true and abſolute Proprietaries of the Province of *Pennſylvania*, and Counties of *New-Caſtle*, *Kent* and *Suſſex*, upon *Delaware*, by and with the Advice and Conſent of the Repreſentatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That as ſoon as conveniently may be, after the Publication of this Act, there ſhall be in every County within this Province, five Perſons of the beſt Diſcretion, Capacity, Judgment and Integrity that may be found, and no more, duly appointed and commiſſionated by the Governor, or Commander in Chief, for the Time being, under the Broad-ſeal of this Government, who, or any three of them, ſhall, and they are hereby authorized and required to hold and keep, within their reſpective Counties, the Court of Record, ſtiled and called, *The County Court of Common Pleas*, at the ſame Times in the Year, and at the ſame Places as the ſaid Courts reſpectively have been heretofore uſed and accuſtomed to be held by the Judges of the ſame; which ſaid Judges, or any three of them, ſhall hold Pleas of Aſſizes, Scire Facias, Replevins, and hear and determine all Manner of Actions, Suits and Cauſes, civil, perſonal, real and mixed, according to the Laws and Conſtitutions of this Province; and ſhall have, hold and exerciſe all and every other Power, Authority, Juriſdiction and Privilege, given and granted to the Judges, of the ſaid County Court of Common Pleas, in and by the Act of Aſſembly aforeſaid, intituled, "*An Act for eſtabliſhing Courts of Judicature in this Province*," or any other Law of this Government whatſoever; and that each and every Perſon ſo appointed and commiſſionated, and each and every of the Judges of the Court, called and ſtiled, *The Supream Court of* Pennſylvania, ſhall have, hold, enjoy and exerciſe, their ſeveral and reſpective Commiſſions and Offices aforeſaid, QUAMDIU SE BENE GESSERINT, and that their reſpective Commiſſions ſhall be granted to them accordingly. PROVIDED ALWAYS, nevertheleſs, that it ſhall and may be lawful for the Governor, or Commander in Chief for the Time being, to remove them the ſaid Judges of the Supream Court, and County Court of Common Pleas aforeſaid, or any of them, from their ſaid reſpective Offices and Commiſſions, upon the Addreſs of the Repreſentatives of the People in Aſſembly met.

Preamble.

Five Judges in every County to be commiſſionated by the Governor for holding the Court of C. P.

They and the Judges of the Supream Court to continue in the Commiſſion *during their good Behaviour.*

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the Judges of the Court of Common Pleas, or any three of them, in each reſpective County of this Province, to be appointed and commiſſionated by Virtue of this Act, and no other Perſons whatſoever, after the Publication hereof ſhall, and they are hereby authorized, impowered and required, to hold and keep the Court of Record, in each of the ſaid Counties, called and ſtiled, *The Orphan's Court*, inſtituted and eſtabliſhed in and by an Act, intituled "*An Act for eſtabliſhing Orphan's Courts*," as fully and effectually to all Intents and Purpoſes as the Juſtices of the Peace of each County heretofore have, ought, might or could do; and that the ſaid Judges of the Common Pleas ſhall have, uſe, exerciſe and enjoy all and every the Powers, Authorities, Juriſdictions and Privileges which are given and granted to the Juſtices of the Orphan's Court, in and by the ſaid Act of Aſſembly, or any other Law of this Province whatſoever, any Thing in the ſaid recited Act, or any other Act of Aſſembly of this Province to the contrary notwithſtanding.

Judges of the Court of Common Pleas to hold the Orphan's Court.

AND

Salaries of the Judges of the Supream Court.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Chief Justice of the said Supream Court shall have and receive for discharging the Duties of his Office the Sum of *Two Hundred Pounds*; and each of the other Judges of the said Court the Sum of *One Hundred Pounds* yearly, and every Year during their Continuance in their respective Offices, to be paid out of such Monies as shall from Time to Time be raised for defraying the Charges and Exigencies of Government; and that each of the said Judges of the County Court of Common Pleas, shall have and receive for every Day he shall sit in the said Court, the Sum of *Twenty Shillings*, to be paid by an Order from the Commissioners of each respective County, for which the said Judges shall be commissionated, drawn on the Treasurer thereof, out of such Monies as shall be raised from Time to Time for the Payment and Discharge of the County Debts, in Pursuance of an Act, intituled, "*An Act for raising of County Rates and Levies.*"

Wages of the Judges of the Court of C. P.

Justices of the Sessions disabled from holding a Judge's Commission,

AND BE IT FURTHER ENACTED AND PROVIDED by the Authority aforesaid, That no Justice of the County Court of Quarter-Sessions shall have, hold or enjoy, the Office or Commission of a Judge of the County Court of Common Pleas aforesaid; but every such Justice is hereby disabled from holding, enjoying or executing the said Office and Commission, for and during, and at the same Time he shall be Justice of the Quarter Sessions aforesaid.

Causes which may be removed into the Supream Court and which not.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Action, Bill, Plaint, Suit or Cause, not concerning Freehold or Inheritance, or Title of Land, Lease or Rent, which shall be brought, commenced or depending in any of the said Courts of Common Pleas, wherein the Debt, Damages, or Things demanded and recovered, shall not amount to, or exceed the Sum of *Twenty Pounds*, lawful Money of *Pennsylvania*, shall be removed into the said Supream Court by the Plaintif, in case a Verdict shall be given in his Favour, he shall not recover any Costs of Suit; but if the Verdict shall be against him, he shall pay double Costs of Suit to the Defendant: and in case any such Suit, Bill, Plaint, or Cause, shall be removed by the Defendant, he shall pay double Costs to the Plaintif.

Time of holding the Sessions in *Bucks* and *Chester* Courts.

AND WHEREAS the Times limited for holding the Courts of Quarter Sessions in the Counties of *Bucks* and *Chester*, are too short for the Transaction of the Business there often happenning, BE IT THEREFORE ENACTED by the Authority aforesaid, That it shall and may be lawful to and for the Justices of the said Courts of *Bucks* and *Chester* respectively, to hold the same for and during the Space of three Days, and to adjourn for that Purpose over to the Day next following the Days heretofore appointed by Law for holding the same, any Thing in the Law herein before mentioned to the contrary notwithstanding.

Passed *September* 29th, 1759. Recorded A. Vol. 4. p. 144.

XCII. *An* ACT *to continue an Act intituled,* "*An Act for directing the Choice of Inspectors in the Counties of* Chester, Lancaster, York, Cumberland, Berks *and* Northampton."

WHEREAS the Act intituled, "*An Act for directing the Choice of Inspectors in the Counties of* Chester, Lancaster, York, Cumberland, Berks *and* Northampton," passed in the Twenty-fifth Year of this present Reign, hath been found by Experience to be of good Use; but as the said Act was made for three Years only, it expired by its own Limitation: AND WHEREAS the aforesaid Act was, by an Act made in the Twenty-ninth Year of the present Reign, continued for three Year longer, which said Act, continuing the same as aforesaid, will shortly expire by its own Limitation; BE IT THEREFORE ENACTED by the Honourable *WILLIAM DENNY*, Esq; Lieutenant-Governor, under the Honourable THOMAS PENN, and RICHARD PENN, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent*, and *Sussex*, upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the said Act intituled, "*An Act for directing the Choice of Inspectors in the Counties of* Chester, Lancaster, York, Cumberland, Berks *and* Northampton," be, and the same with every Article, Clause and Thing therein contained, is hereby declared to be revived and renewed, to continue in full Force from the Publication hereof, for the further Term of three Years, and from thence to the End of the next Session of Assembly, and no longer.

Passed *September* 29th, 1759. Recorded A. Vol. 4. p. 149.

AN

APPENDIX.

CONTAINING SUCH

ACTS of ASSEMBLY,

As have been formerly in Force within this PROVINCE,

For Regulating of Deſcents,

And Transferring the Property of Lands, &c.

But ſince expired, altered, or repealed.

PHILADELPHIA:
PRINTED by PETER MILLER, and Company. M, DCC, LXII.

LAWS *agreed upon in* England, *&c.*

1ſt. THAT the Charter of Liberties, declared, granted and confirmed the *Five* and *Twentieth* Day of the *Second Month*, called *April*, 1682, before divers Witneſſes by *William Penn*, Governor and chief Proprietary of *Pennſylvania*, to all the Freemen and Planters of the ſaid Province, is hereby declared and approved, and ſhall be for ever held for fundamental, in the Government thereof, according to the Limitations mentioned in the ſaid Charter.

2. THAT every Inhabitant in the ſaid Province, that is or ſhall be a Purchaſer of One Hundred Acres of Land or upwards, his Heirs and Aſſigns, and every Perſon who ſhall have paid his Paſſage, and taken up One Hundred Acres of Land, at *One Penny* an Acre, and have cultivated Ten Acres thereof, and every Perſon that hath been a Servant or Bondsman, and is free by his Service, that ſhall have taken up his Fifty Acres of Land, and cultivated Twenty thereof, and every Inhabitant, Artificer, or other Reſident in the ſaid Province, that pays Scot and Lot to the Government, ſhall be deemed and accounted a Freeman of the ſaid Province; and every ſuch Perſon ſhall and may be capable of electing or being elected Repreſentatives of the People in Provincial Council or General Aſſembly in the ſaid Province.

3. THAT all Elections of Members or Repreſentatives of the People and Freemen of the Province of *Pennſylvania*, to ſerve in Provincial Council or General Aſſembly, to be held within the ſaid Province, ſhall be free and voluntary: And that the Elector that ſhall receive any Reward or Gift, in Meat, Drink, Monies, or otherwiſe, ſhall forfeit his Right to elect; and ſuch Perſon as ſhall, directly or indirectly, give, promiſe, or beſtow any ſuch Reward as aforeſaid, to be elected, ſhall forfeit his Election, and be thereby incapable to ſerve as aforeſaid, And the Provincial Council and General Aſſembly ſhall be the ſole Judges of the Regularity or Irregularity of the Elections of their own reſpective Members.

4. THAT no Money or Goods ſhall be raiſed upon, or paid by any of the People of this Province, by Way of a publick Tax, Cuſtom or Contribution, but by a Law for that Purpoſe made; and whoſoever ſhall levy, collect or pay any Money or Goods contrary thereunto, ſhall be held a publick Enemy to the Province, and a Betrayer of the Liberties of the People thereof.

5. THAT all Courts ſhall be open, and Juſtice ſhall neither be ſold, denied nor delayed.

6. THAT in all Courts all Perſons of all Perſuaſions may freely appear in their own Way, and according to their own Manner, and there perſonally plead their own Cauſe themſelves, or if unable, by their Friends: And the firſt Proceſs ſhall be the Exhibition of the Complaint in Court, Fourteen Days before the Trial; and that the Party complained againſt, may be fitted for the ſame, he or ſhe ſhall be ſummoned no leſs than Ten Days before, and a Copy of the Complaint delivered him or her, at his or her Dwelling-houſe. But before the Complaint of any Perſon be received, he ſhall ſolemnly declare in Court, That he believes in his Conſcience, his Cauſe is juſt.

7. THAT all Pleadings, Proceſſes, and Records in Courts, ſhall be ſhort, and in *Engliſh*, and in an ordinary and plain Character, that they may be underſtood, and Juſtice ſpeedily adminiſtered.

8. THAT all Trials ſhall be by twelve Men, and as near as may be, Peers or Equals, and of the Neighbourhood, and Men without juſt Exception. In Caſes of Life, there ſhall be firſt Twenty-four returned by the Sheriff for a Grand Inqueſt, of whom Twelve at leaſt ſhall find the Complaint to be true: and then the twelve Men, or Peers, to be likewiſe returned by the Sheriff, ſhall have the final Judgment. But reaſonable Challenges ſhall be always admitted againſt the ſaid twelve Men, or any of them.

9. THAT all Fees in all Caſes ſhall be moderate, and ſettled by the Provincial Council and General Aſſembly, and be hung up in a Table in every reſpective Court; and whoſoever ſhall be convicted of taking more, ſhall pay twofold, and be diſmiſſed his Employment, one Moiety of which ſhall go to the Party wronged.

10. THAT all Priſons ſhall be Work-Houſes for Felons, Vagrants, and looſe and idle Perſons; whereof one ſhall be in every County.

11. THAT all Priſoners ſhall be bailable by ſufficient Sureties, unleſs for capital Offences, where the Proof is evident, or the Preſumption great.

12. THAT all Perſons wrongfully impriſoned or proſecuted at Law, ſhall have double Damages againſt the Informer or Proſecutor.

13. THAT all Priſons ſhall be free, as to Fees, Food, and Lodging.

14. THAT all Lands and Goods ſhall be liable to pay Debts, except where there is legal Iſſue, and then all the Goods, and One Third of the Land only.

15. THAT all Wills and Writing atteſted by two Witneſſes, ſhall be of the ſame Force, as to Lands, as other Conveyances, being legally proved within forty Days, either within or without the ſaid Province.

16. THAT ſeven Years quiet Poſſeſſion ſhall give an unqueſtionable Right, except in Caſes of Infants, Lunaticks, married Women, or Perſons beyond the Seas.

17. THAT all Briberies and Extortion whatſoever, ſhall be ſeverely puniſhed.

18. THAT all Fines ſhall be moderate, and ſaving Mens Contenements, Merchandize, or Wainage.

19. THAT all Marriages (not forbidden by the Law of God, as to Nearneſs of Blood and Affinity by Marriage) ſhall be encouraged; but the Parents or Guardians ſhall be firſt conſulted, and the Marriage ſhall be publiſhed before it be ſolemnized, and it ſhall be ſolemnized by taking one another as Huſband

and Wife, before credible Witneſſes, and a Certificate of the Whole, under the Hands of the Parties and Witneſſes, ſhall be brought to the proper Regiſter of that County, and ſhall be regiſtred in his Office.

20. AND to prevent Frauds and vexatious Suits within the ſaid Province, That all Charters, Gifts, Grants, and Conveyances of Land (except Leaſes for a Year or under) and all Bills, Bonds, and Specialties above *Five Pounds*, and not under three Months, made in the ſaid Province, ſhall be entolled or regiſtred in the publick Enrolment-Office of the ſaid Province within the Space of two Months next after the Making thereof, elſe to be void in Law. And all Deeds, Grants, and Conveyances of Land (except as aforeſaid) within the ſaid Province, and made out of the ſaid Province, ſhall be enrolled or regiſtred as aforeſaid, within ſix Months next after the Making thereof, and ſettling and conſtituting an Enrolment-Office or Regiſtry within the ſaid Province, elſe to be void in Law againſt all Perſons whatſoever.

21. THAT all Defacers or Corrupters of Charters, Gifts, Grants, Bonds, Bills, Wills, Contracts and Conveyances, or that ſhall deface or falſify any Enrolment, Regiſtry or Record within this Province, ſhall make double Satisfaction for the ſame; Half whereof ſhall go to the Party wronged, and they ſhall be diſmiſſed of all Places of Truſt, and be publickly diſgraced as falſe Men.

22. THAT there ſhall be a Regiſter for Births, Marriages, Burials, Wills, and Letters of Adminiſtration, diſtinct from the other Regiſtry.

23. THAT there ſhall be a Regiſter for all Servants, where their Names, Time, Wages, and Days of Payment, ſhall be regiſtred.

24. THAT all Lands and Goods of Felons ſhall be liable to make Satisfaction to the Party wronged twice the Value; and for want of Lands or Goods, the Felons ſhall be Bond-men to work in the Common Priſon or Work-houſe, or otherwiſe, till the Party injured be ſatisfied.

25. THAT the Eſtates of capital Offenders, as Traitors and Murderers, ſhall go One Third to the next of Kin to the Sufferer, and the Remainder to the next of Kin to the Criminal.

26. THAT all Witneſſes, coming or called to teſtify their Knowledge in or to any Matter or Thing in any Court, or before any lawful Authority within the ſaid Province, ſhall there give or deliver in their Evidence or Teſtimony, by ſolemnly promiſing to ſpeak the Truth, the whole Truth, and nothing but the Truth, to the Matter or Thing in Queſtion. And in caſe any Perſon ſo called to Evidence, ſhall be convicted of wilful Falſhood, ſuch Perſon ſhall ſuffer and undergo ſuch Damage or Penalty, as the Perſon or Perſons againſt whom he or ſhe bore falſe Witneſs, did or ſhould undergo; and ſhall alſo make Satisfaction to the Party wronged, and be publickly expoſed as a falſe Witneſs, never to be credited in any Court, or before any Magiſtrate, in the ſaid Province.

27. AND to the End that all Officers choſen to ſerve within this Province, may with more Care and Diligence anſwer the Truſt repoſed in them, it is agreed, That no ſuch Perſon ſhall enjoy more than one publick Office at one Time.

28. THAT all Children within this Povince of the Age of twelve Years, ſhall be taught ſome uſeful Trade or Skill, to the End none may be idle, but the Poor may work to live, and the Rich, if they become poor, may not want.

29. THAT Servants be not kept longer than their Time, and ſuch as are careful, be both juſtly and kindly uſed in their Service, and put in fitting Equipage at the Expiration thereof, according to Cuſtom.

30. THAT all ſcandalous and malicious Reporters, Backbiters, Defamers, and Spreaders of falſe News, whether againſt Magiſtrates or private Perſons ſhall be accordingly ſeverely puniſhed, as Enemies to the Peace and Concord of this Province.

31. THAT for the Encouragement of the Planters and Traders in this Province, who are incorporated into a Society, the Patent granted to them by *William Penn*, Governor of the ſaid Province, is hereby ratified and confirmed.

32. - - -

36. THAT according to the good Example of the primitive Chriſtians, and for the Eaſe of the Creation every firſt Day of the Week, called, *The Lord's Day*, People ſhall abſtain from their common daily Labour, that they may the better diſpoſe themſelves to worſhip GOD according to their Underſtandings.

37. THAT as careleſs and corrupt Adminiſtration of Juſtice draws the Wrath of GOD upon Magiſtrates, ſo the Wildneſs and Looſeneſs of the People provoke the Indignation of GOD againſt a Country: Therefore, That all ſuch Offences againſt GOD, as Swearing, Curſing, Lying, prophane Talking, Drunkenneſs, Drinking of Healths, obſcene Words, Inceſt, Sodomy, Rapes, Whoredom, Fornication, (and other, Uncleanneſs not to be repeated) All Treaſons, Miſpriſions, Murders, Duels, Felonies, Seditions, Maims, Forcible Entries, and other Violences, to the Perſons and Eſtates of the Inhabitants within this Province: All Prizes, Stage-plays, Cards, Dice, May-games, Maſques, Revels, Bull-baitings, Cock-fightings, Bear-baitings and the like, which excite the People to Rudeneſs, Cruelty, Looſeneſs, and Irreligion, ſhall be reſpectivly diſcouraged, and ſeverely puniſhed according to the Appointment of the Governor and Freemen in Provincial Council and General Aſſembly, as alſo all Proceedings contrary to theſe Laws, that are not here made expreſly penal.

38. THAT a Copy of theſe Laws ſhall be hung up in the Provincial Council, and in publick Courts of Juſtice, and that they ſhall be read yearly, at the Opening of every Provincial Council and General Aſſembly, and Courts of Juſtice, and their Aſſent ſhall be teſtified by their ſtanding up, after the Reading thereof.

39. THAT there ſhall be at no time any Alteration of any of theſe Laws, without the Conſent of the Governor, his Heirs or Aſſigns, and Six Parts of Seven of the Freemen, met in Provincial Council and General Aſſembly.

40. THAT all other Matters and Things not herein provided for, which ſhall and may concern the Publick Juſtice, Peace or Safety of the ſaid Province; and the raiſing and impoſing Taxes, Cuſtoms, Duties or other Charges whatſoever, ſhall be, and are hereby referred to the Order, Prudence and Determination of the Governor and Freemen in Provincial Council and General Aſſembly, to be held from time to time, in the ſaid Province.

Signed and ſealed by the Governor and Freemen aforeſaid, the fifth Day of the Third Month, *called* May, *One Thouſand Six Hundred* and *Eigh-ty-two*

An ACT *of* Union, *for annexing and uniting of the Counties of* Newcaſtle, Jones's, *and* Whorekills, *alias* New-Dale, *to the Province of* Pennſylvania; *and of* Naturalization *of all Foreigners, in the ſaid Province and Counties annexed.*

SINCE by the good Providence of GOD, it hath graciouſly pleaſed King CHARLES the II. of *England*, &c. for divers good Conſiderations, to grant by his Letters Patents, under the Great Seal of *England* to WILLIAM PENN, Eſqr; Son and Heir of Sir WILLIAM PENN, deceaſed, and to his Heirs and Aſſigns for ever, this Province of *Pennſylvania*, according to the Bounds therein expreſſed; with all requiſite Powers for the good Government thereof, by ſuch Laws as he and they ſhall make, by and with the Advice and Conſent of the Freemen of the ſaid Province or their Deputies, not repugnant to their Faith and Allegiance, to the legal Government of the ſaid Realm: And it having alſo favourably pleaſed JAMES, Duke of *York* and *Albany*, Earl of *Ulſter*, &c. to releaſe his Right and Claim to all and every Part thereof, unto the ſaid WILLIAM PENN, his Heirs and Aſſigns; whereby he the ſaid WILLIAM PENN is become the undoubted and rightful Proprietary and Governor of the Province of *Pennſylvania*, and is hereby freely and fully ſo recognized and acknowledged. And as a beneficial and requiſite Addition to the Territory of the ſaid Proprietary and Governor, it hath alſo pleaſed the ſaid JAMES, Duke of *York* and *Albany*, &c. for divers good Conſiderations, to grant unto the ſaid WILLIAM PENN, and his Heirs and Aſſigns, all that Tract of Land, from twelve Miles Northward of *New Caſtle*, on the River *Delaware*, down to the *South* Cape, commonly called *Cape Henlope*, and by the Proprietary and Governor now called *Cape James*, lying on the *Weſt* Side of the ſaid River and Bay, formerly poſſeſſed by the *Dutch*, and bought by them of the Natives, and firſt ſurrendered upon Articles of Peace to the King's Lieutenant-Governor, Colonel *Nicholls*, and a ſecond Time to Sir *Edmund Androſſe*, Lieutenant-Governor to the ſaid Duke, and hath been by him quietly poſſeſſed and enjoyed; as alſo the ſaid River of *Delaware*, and Soil thereof, and all Iſlands therein, lately caſt into three Counties, called *Newcaſtle*, *Jones's*, and *Whorekills*, alias *New-Dale*; together with all Royalties, Powers and Juriſdictions thereunto belonging, as by two Deeds of Feoffment, bearing Date the Twenty-fourth of the *Sixth Month* called *Auguſt*, 1682, doth more at large appear. And foraſmuch as there muſt always be a People before there can be a Government, and that People muſt be united and free, in order to ſettle and encourage them, for the Proſperity of the Government: And ſince the Inhabitants of the Tract of Land, lately paſſed from the Duke, as aforeſaid, are not yet thereby under the ſame Capacity that thoſe are that belong to the Province of *Pennſylvania*: *And whereas* the Freemen of the ſaid Counties have, by their Deputies, humbly beſought their preſent Proprietary and Governor, to annex the ſaid Counties to the Province of *Pennſylvania*, and to grant unto them the ſame Privileges; and that they may live under the ſame Laws and Government that the Inhabitants of the ſaid Province of *Pennſylvania*, now do, or hereafter ſhall enjoy: And ſince the Union of the two diſtinct People, that are under one Governor, is both moſt deſirable in itſelf, and beneficial to the Publick, and that it cannot be ſo cordially and durably maintained, to the mutual Benefits of each other, as by making them equally Sharers in Benefits and Privileges; *Be it enacted* by the Proprietary and Governor aforeſaid, by and with the Advice and Conſent of the Deputies of the Freemen of the Province, and Counties aforeſaid, in Aſſembly met, That the Counties of *New-Caſtle*, *Jones's*, and *Whorekills*,

The Three Lower Counties annexed to the Province.

kills, alias *New-Dale*, shall be annexed, and by the Authority aforesaid, are hereby annexed unto the Province of *Pennsylvania*, as of the proper Territory thereof; and the People therein shall be governed by the same Laws, and enjoy the same Privileges in all Respects, as the Inhabitants of *Pennsylvania* do, or shall enjoy from time to time therein, any Thing in this Law, or any other Law, Act or Thing in this Province, to the contrary thereof in anywise notwithstanding. *And forasmuch* as it is apparent, that the just Encouragement of the Inhabitants of this Province, and Territories thereunto belonging, is likely to be an effectual Way for the Improvement thereof: And since some of the People that live therein, and are like to come thereinto, are Foreigners, and so not Freemen, according to the Acceptation of the Laws of *England*, the Consequences of which may prove very detrimental to them, in their Estates and Traffick, and so injurious to the Prosperity of this Province, and Territories thereof, *Be it enacted* by the Proprietary and Governor of the Province, and Counties aforesaid, by and with the Advice and Consent of the Deputies of the Freemen thereof, in Assembly met, That all Persons, who are Strangers and Foreigners, that now do inhabit this Province, and Counties aforesaid, that hold Land in Fee in the same, according to the Law of a Freeman, and who shall solemnly promise, within three Months after the Publication hereof, in their respective County Courts where they live, upon Record, Faith and Allegiance unto the King of *England*, and his Heirs and Successors; and Fidelity and lawful Obedience to the said WILLIAM PENN, Proprietary and Governor of the said Province, and Territories, and his Heirs and Assigns, according to the King's Letters Patents, and Deeds aforesaid shall be held and reputed Freemen of the Province, and Counties aforesaid, in as ample and full Manner as any Person residing therein. *And it is hereby further enacted* by the Authority aforesaid, That when at any Time, any Person that is a Foreigner, shall make his Request to the Proprietary and Governor of this Province and Territories thereof, for the aforesaid Freedom, the said Person shall be admitted on the Conditions herein expressed, paying at his Admission *Twenty Shillings Sterling*, and no more, any Thing in this Law, or any other Law, Act or Thing in this Province, to the contrary in any wise notwithstanding.

All Foreigners promising Allegiance, &c. naturalized.

Given at Chester, *alias* Upland, *the seventh* Day *of the Tenth Month*, called December, 1682, *under the Hand and Broad Seal of* WILLIAM PENN, *Proprietary and Governor of this Province, and Territories thereunto belonging, being the second Year of his Government, by the King's Authority.*

W. PENN.

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§ 45. *What Wills shall convey Lands as well as Chattels.*

AND BE IT ENACTED, *&c.* That all Wills in Writing attested by two sufficient Witnesses, shall be of the same Force to Lands, as to other Conveyances, being legally proved, within *Forty* Days, either within or without the Province.

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§ 51. *How Lands and Goods shall pay Debts.*

AND BE IT ENACTED, *&c.* That all Lands and Goods shall be liable to pay Debts, except where there shall be legal Issue, and then all the Goods, and one Half of the Land only, in case the Land was bought before the Debts were contracted.

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§62 *The* ACT *of* SETTLEMENT.

Made at Chester, Tenth Month. 1682.

WHEREAS WILLIAM PENN, Proprietary and Governor of the Province of *Pennsylvania*, and Territories thereunto belonging, hath, out of his great Kindness and Goodness to the Inhabitants thereof, been favourably pleased to give and grant unto them, a Charter of Liberties and Privileges, dated the 25th Day of the *Second Month*, 1682; by which Charter it is said that the Government shall consist of the Governor and Freemen of the said Province, in the Form of a Provincial Council, and General Assembly; and that the Provincial Council shall consist of Seventy two Members, to be chosen by the Freemen, and that the General Assembly may, the first Year, consist of the whole Body of the Freeholders, and ever after, of an elected Number, not exceeding Two Hundred Persons, without the Consent of the Provincial Council, and General Assembly; and such Assembly to sit yearly, on the Twentieth Day of the *Third Month*, *May*, as in the first, second, third, sixth, fourteenth, and sixteenth Articles of the Charter, Reference being thereunto had, doth more at large appear. *And forasmuch* as this Charter was the first of those probationary Laws that were agreed to and made by and between the Proprietary and Governor, and the Freeholders in *England*, Purchasers in this Province; which said Laws, in the whole, and every Part thereof, were to be submitted to the Explanation and Confirmation of the first Provincial Council, and General Assembly, that was to be held in this Province, as by the Title and first Law of the said Agreement, doth plainly appear. *And whereas* the Proprietary and Governor hath according to that Charter issued out Writs to the respective Sheriffs of the six Counties of this Province to summon the Freemen thereof to choose in each County twelve Persons of most Note for their Sobriety, Wisdom, and Integrity to serve in Provincial Council; and also to inform the Freemen that they might come for this time in their own Persons, to make up a General Assembly, according to Charter And that the said respective Sheriffs, by their Returns, and the Freemen, by their Petitions to the Proprietary and Governor, have plainly declared, that the Fewness of the People, their Inability in Estate, and Unskilfulness in Matters of Government, will not permit them so serve in so large a Council and Assembly, as by the Charter is expressed; and therefore do desire, that the Members now chosen to be their Deputies and Representatives, may serve both for Provincial Council and General Assembly, that is to say, three out of each County for the Provincial Council, and the remaining nine for the General Assembly, according to act as fully and amply as if the said Provincial Council and General Assembly had consisted of the said Numbers of Members

Members mentioned in the Charter of Liberties: upon Conſideration of the Premiſes, and that the Proprietary and Governor may teſtify his great Willingneſs to comply with that which may be moſt eaſy and pleaſing to the People, he is willing that it be enacted, *And be it enacted* by the Proprietary and Governor, by and with the unanimous Advice and Conſent of the Freemen of this Province, and Territories thereunto belonging, in Provincial Council, and General Aſſembly met, That the Numbers deſired by the Inhabitants in their ſeveral Petitions and expreſſed to be their Deſires by the Sheriffs Returns to the Proprietary and Governor, to ſerve as the Provincial Council and General Aſſembly, be allowed and taken, to all Intents and Purpoſes, to be the Provincial Council and General Aſſembly of this Province. And that the *Quorums* ſhall be proportionably ſettled, according to the Method expreſſed in the fifth Article; that is to ſay, *Two Thirds to make a Quorum in extraordinary Caſes*, as is provided in the ſaid fifth Article; which ſaid Provincial Council and General Aſſembly ſo already choſen, are and ſhall be held and reputed the legal Provincial Council and General Aſſembly of this Province, and Territories thereof, for this preſent Year; And that from and after the Expiration of this preſent Year, the Provincial Council ſhall conſiſt of three Perſons out of each County, as aforeſaid, and the Aſſembly ſhall conſiſt of ſix Perſons out of each County; which ſaid Provincial Council and General Aſſembly may be hereafter enlarged, as the Governor, Provincial Council and Aſſembly ſhall ſee Cauſe, ſo as the ſaid Number do not at any Time exceed the Limitations expreſſed in the third and ſixteenth Articles of the Charter, any Thing in this Act, or any other Act, Charter or Law to the contrary in any wiſe notwithſtanding. And becauſe the Freemen of this Province, and Territories thereof, are deeply ſenſible of the good and kind Intentions of the Proprietary and Governor, in this Charter, and of the ſingular Benefit that redounds to them thereby, and are deſirous that it may in all Things beſt anſwer his Deſign for the Publick Good, the Freemen of the ſaid Province and Territories thereof in Provincial Council and General Aſſembly met, having unanimouſly requeſted ſome Variations, Explanations and Additions, of in and to the ſaid Charter, he the Proprietary and Governor, hath therefore yielded, that it be enacted, *And it is hereby enacted*, That the Time for the Meeting of the Freemen of this Province, and Territories thereof, to chooſe their Deputies, to repreſent and ſerve them in Provincial Council and General Aſſembly, ſhall be yearly hereafter on the tenth Day of the *Firſt Month March*; which Members ſo choſen for the Provincial Council, ſhall make their Appearance, and give their Attendance in Provincial Council within twenty Days after their Elections; and the ſaid Members elected to ſerve in General Aſſembly, ſhall yearly meet and aſſemble on the tenth Day of the ſaid *Third Month*, to the End and Purpoſes declared in the Charter, at and in ſuch Place as is limited in the ſaid Charter, unleſs the Governor and Provincial Council ſhall at any Time ſee Cauſe to the contrary. *And whereas* it is expreſſed in the ſaid Charter, that the Governor and Provincial Council ſhall prepare and propoſe to the General Aſſembly, all Bills which they ſhall think fit to paſs into Laws within the ſaid Province, *Be it enacted* by the Authority aforeſaid, That the Governor and Provincial Council ſhall have the Power of preparing and propoſing to the General Aſſembly, all Bills which they ſhall jointly aſſent to, and think fit to have paſſed into Laws in the ſaid Province, and Territories thereof, that are not inconſiſtent with, but according to the Powers granted by the King's Letters Patents to the Proprietary and Governor aforeſaid; which Bills ſhall be publiſhed in the moſt noted Towns or Places in the ſaid Province, and Territories thereof, twenty Days before the Meeting of the General Aſſembly aforeſaid. And for the better Deciſion and Determination of all Matters and Queſtions in Provincial Council and General Aſſembly, *It is hereby enacted*, That all Queſtions upon Elections of Repreſentatives, and Debates in Provincial Council and General Aſſembly, in perſonal Matters, ſhall be decided by the Ballot, and all Queſtions about preparing and enacting of Laws, ſhall be determined by the Vote. And that ſo united an Intereſt may have an united Term or Stile to be expreſſed by, *It is hereby declared and enacted*, That the General Aſſembly ſhall be henceforth termed or called, *The Aſſembly*; and the *Meeting of the Governor, Provincial Council, and Aſſembly*, and their Acts and Proceedings, ſhall be ſtiled and called, *The Meetings, Seſſions, Acts or Proceedings of the General Aſſembly of the Province of* Pennſylvania, *and the Territories thereunto belonging*. And that the Freemen of this Province, and Territories thereof, may not on their Parts ſeem unmindful or ungrateful to their Proprietary and Governor, for the Teſtimony he hath been pleaſed to give of his great Good-will towards them and theirs, nor be wanting of that Duty they owe to him and themſelves, they have prayed Leave hereby to declare their moſt hearty Acceptance of the ſaid Charter, and their humble Acknowledgments for the ſame, ſolemnly promiſing that they will inviolably obſerve and keep the ſame, (except as is therein excepted;) and they will neither directly nor indirectly contrive, propoſe, enact, or do, any Thing or Things whatſoever, by Virtue of the Power, thereby granted unto them, that ſhall or may redound to the Prejudice or Diſadvantage of the Proprietary and Governor, his Heirs and Succeſſors, in their juſt Rights, Properties and Priviledges, granted to him, and them, by the King's Letters Patents, and Deeds of Releaſe and Feoffment, made to him by JAMES, Duke of *York* and *Albany*, &c. and whom they deſire may be hereby recognized and acknowgledged the true and rightful Proprietaries and Governors of this Province of *Pennſylvania*, and Territories thereunto annexed, according to the King's Letters Patents, and Deeds of Releaſe and Feoffment from JAMES Duke of *York* and *Albany*, &c. unto the ſaid Proprietary and Governor, his Heirs and Succeſſors, any Thing in this Act, or any other Act, Grant, Charter or Law, to the contrary of theſe Things herein and hereby explained, altered, limited, promiſed, declared and enacted, in any wiſe notwithſtanding.

Quorums ſettled.

Provincial Council regulated.

Times of Meeting appointed.

Governor and Council to prepare Bills.

which ſhall be publiſhed &c.

Perſonal Matters to be decided by Ballot, &c.

Name or Stile of the Aſſembly, &c.

Charter accepted.

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§ 78. *Forms of Grants of Eſtates of Inheritance for Life, Lives or Years.*

35 CAR. II. A. D. 1683.

BE IT ENACTED, &c. That for avoiding long and tedious Conveyances and the many Contentions which may ariſe about the Variety of Eſtates, all Grants of Eſtates ſhall be either of the Inheritance, or for Life or Lives, or for Years, any Number nor exceeding fifty Years, which Grants ſhall be thus contracted in theſe Words, A B the &c Day of &c in the Year according to the Engliſh Account 16, &c from him and

his Heirs and Assigns, Grants his (*describe the Bounds*] with all its Appurtenances, lying in the County of containing Acres or thereabours to C. D and his Heirs [if in Fee] or to E. F. for his Life (if for Lives), or to G. H. for One Hundred Years, if I. K. L. M. N. O. shall so long live, or to P. Q. for fifty Years, for the Consideration of Pounds in Money paid, and of the yearly Rent to be paid to A. B. and his Heirs and Assigns, upon the &c. Day of &c. In *Witness* whereof he sets his Hand and Seal. Sealed and delivered in the Presence of R.S. T. Acknowledged in open Court, and certified under the Clerk's Hand and Court Seal, the &c. Day of &c. 16. &c. and registered the &c. Day of &c. 16 &c.

§ 79. *Form of Possession in Transferring of Titles, &c. &c.*

BE IT ENACTED, &c. That all Deeds of Sale, Mortgages, Settlements, Conveyances, except Leases for a Year, shall be declared and acknowledged in open Court; and the Form of Possession in transferring of Titles shall be by the Party, or his Attorney, delivering the said Deed of Gift in open Court into the Hands of him or his Attorney to whom it is made, and that to stand good to all Intents and Purposes.

§ 109. *How the Estate of any Person shall be disposed of at his Death.*

BE IT ENACTED, &c. That whatsoever Estate any Person hath, in this Province or Territories thereof at the Time of his Death, unless it appear that an equal Provision be made elsewhere, shall be thus disposed of; that is to say, One Third to the Wife of the Party deceased, One Third to the Children equally, and the other Third as he pleaseth, and in Case his Wife be deceased before him, two Thirds shall go to the Children equally, and the other Third to be disposed of as he shall think fit, his Debts being first paid.

§ 110. *How the Estate of an Intestate shall be disposed of.*

BE IT ENACTED, &c. That the Estate of an Intestate shall go to his Wife, his Child or Children and if he leave no Wife, Child or Children, it shall go to his Brothers and Sisters, if any be, or to the Children of such Brothers or Sisters: And in Case no such be, one half shall go to the Parents and the other half to the next of Kin: And for want of Parents one half shall go to the Governor, and for want of Kin, the other half to the publick. *Providing* always That the Time of claiming exceed not three Years after the Death of such Intestate. Vid. § 172.

§ 172. *How the Estate of an Intestate shall be disposed of.*

THAT the Estate of an Intestate, shall be thus disposed of, *That is to say*, One Third of his personal Estate, shall go to his Wife, and further one third of his Lands and Tenements to his Wife during her natural Life, the Remainder, together with the other two Thirds of his Estate shall go to his Children, his eldest Son having a double Part or Share; And in case the Intestate leaves no Child, then half the personal Estate to the Widow and the Moiety of the real Estate during her natural Life, the Remainder thereof to the next of her Husbands Kin. And if he leaveth no Wife, Child, or Children, it shall go to his Brothers and Sisters, if any be, or to the Children of such Brothers and Sisters; And in case no such be, one half shall go to the Parents, and one half shall go to the Governor. And for want of Kin, the other half to the Publick Stock of the County. And the Estate of an Intestate Widow, shall go to her Child or Children, to be divided and shared as before; and if she leave no Child or Children, the Estate to be disposed of as aforesaid if any be. And the Estate of an Intestate single Man or Woman, shall go to his or her Brother and Sister if any be, and for want of such, as before limited. *Provided*, that his or her Debts be first paid; And that the Time of Claiming, be within three Years after the Decease of the Intestate Party.

IV JAC. II A.D. 1688. § 188. *In what Cases the Orphans Court with Consent of the Governor and Council may sell Intestates Lands.*

BE IT ENACTED, &c. That any Person, who died or shall die Intestate, being Owner of Lands within this Province or Territorries, and hath or shall leave legal Issue, it shall be lawful for the Court of *Orphans* with the Approbation of the Governor and Council to impower the Widow or Administrator, in case of considerable Debts, Charge of Child or Children, to make Sale of such Parts or Tracts of the said Land as the Council and Court shall judge met direct towards the defraying of such just Debts, the Education of such Child or Children, Support of the Widow and the better improving the Remainder of the Estate to their Advantage, and that this Law continue and be in Force for one whole Year and no longer.

§ 189. *Lands lyable to pay Debts.*

FORASMUCH, as by a Law made at *Upland*, it was enacted, that all Lands were made lyable to pay Debts with such Restrictions and Limitations as are therein expresst, for the fuller and more Satisfactory Explanation and Alteration of the same, *It is hereby enacted*, That all Lands whatsoever, and Houses shall be lyable to Sale upon Judgment and Execution obtained against the Defendant, his Heirs, Executors or Administrarors, with this due Proviso, that the Messuage and Plantation with its Appurtenances upon which the Defendant is chiefly seated, may not be exposed to Sale, til the Expiration of one Year after the Judgment obtained, to the Intent tha the Owner or any on his Behalf, may endeavour the Redemption of the same and before such Sale shall be made, the Appraisement thereof shall be by twelve honest and

and diſcreet Men of the Neighbourhood; and that after ſuch Sale and Appraiſement as aforeſaid, the Lands ſhall be and remain as a free and clear Eſtate, to the Purchaſer or Creditor, his Heirs and Aſſigns for ever, as ever it was to the Debtor. *Provided Always*, that lawful Intereſt be allowed to the Creditor from the Time of the ſaid Judgment obtained, until the ſaid Time of Sale or Satisfaction. *Provided alſo*, that the chief Plantation or Meſſuage, ſhall be the laſt, to be executed. And that this Law continue for one whole Year and til the Riſing of the next General Aſſembly, and until 20 Days after and no longer.

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§ 190. *Recording of Writings.*

FORASMUCH as the 44th. Chapter of Laws enjoins the Recording of all Charters, Gifts, Grants, Conveyances of Land, Bills, Bonds and ſuch Writings therein mentioned, and within the Time therein expreſſed, otherwiſe to be void in Law. *It is hereby Enacted*, &c. That for the Prevention of great Inconveniencies and for the Satisfaction of ſeveral Owners of Lands, that all ſuch Charters, Gifts, Grants, and Conveyances of Lands, Bills, Bonds and ſuch Writings, tho' they are neither Recorded nor Recorded; according to Law yet they are hereby indemnified and are declared as good and authentick as if they had been duely inrolled and regiſtered. *Provided always*, That all Gifts, Grants and Conveyanes of Lands or ſufficient Memorandums of the ſame, in this Government but made out of the ſame, may be brought to be recorded in the Inrollment-Office within twelve Months; and all ſuch Inſtruments made of Lands within this Province or Territories, may be brought to be regiſtred within ſix Months, otherwiſe to be void, as in the ſaid Law is declared: And further, it is the full Intent and true Meaning of this Law that no Bills, Bonds or Specialties, ſhall be required to be recorded under the Penalty mentioned, but that all ſuch Bills, Bonds, and Specialties, which ſhall be inrolled or recorded in the ſaid Office, the Record of the ſame ſhall in all Courts of Judicature be allowed and adjudged as valid as the Original. And that this Law continue for one whole Year and till the Riſing of the next Geneal Aſſembly and untill twenty Days after and no longer.

A PETITION of Right, To Benjamin Fletcher, *Captain General and Governor in Chief, in and over the Province of* Pennſylvania, *and Countries of* New-Caſtle, *&c. We the Freemen of the ſaid Province and Country in General Aſſembly met humbly ſhew,*

V. GUIL. et MARIÆ A. D 1693.

THAT WHEREAS the late King *Charles* the ſecond in the three and thirtieth Year of his Reign, by Letters Patent under the Great-Seal of *England*, did (for the Conſideration therein mentioned) grant unto *William Penn* and his Aſſigns this Colony or Tract of Land thereby erecting the ſame into a Province, calling it *Pennſilvania*, and conſtituting the ſaid *William Penn*, abſolute Proprietary of the ſaid Province (ſaving amongſt other Things the Sovereignity thereof) thereby alſo granting unto the ſaid *William Penn*, his Deputies and Lieutenants, by virtue of the ſaid Royal Charter, full, free and abſolute Power, by and with the Aſſent of the Freemen of the ſaid Province, to make "enact and publiſh any Laws whatſoever, for any End, appertaining either to the publick State, Peace or Safety of the ſaid Country or unto the private Utility of particulat Perſons according to their beſt Diſcretion. Which Laws ſo as aforeſaid, made and publiſhed, the ſaid late King did by the ſaid Letters Patent, enjoin, require and command, ſhould be moſt abſolute and available in Law, and that all the liege People and Subjects of the ſaid late King, his Heirs and Succeſſors, ſhould obſerve and keep the ſame inviolably in theſe Parts. But that the Laws for regulating and governing of Property within this Province, and likewiſe as to Felonies might be and continue the ſame, as they ſhould be, for the Time being, by the general Courſe of the Law of *England*, until the ſaid Laws ſhould be altered by the ſaid *William Penn*, and by the Freemen of the ſaid Province, their Delegates or Deputies or the greater Part of them.

AND to the End the ſaid *William Penn*, or the Inhabitants of this Province 'might not at any Time thereafter, by Miſconſtruction or Colour of the Powers aforeſaid, or by Pretence of the ſaid Laws hereafter to be made, through Inadvertency or Deſign, depart from the Faith and Allegiance; which by the Laws of *England* they and all the Kings Subjects in his Dominions, always owe to him his Heirs and Succeſſors. He the ſaid late King did by his Letters Patent, declare it to be his further Will and Pleaſure, that a Duplicate of all the Laws ſo as aforeſaid, made and publiſhed ſhould within five Years after the making thereof, be tranſmitted and delivered to the Kings Privy-Council for the Time being. And if any of the ſaid Laws within the Space of ſix Months after that they were ſo tranſmitted, ſhould be declared by the ſaid King, his Heirs or Succeſſors, or his or their Privy Council, inconſiſtent with the Sovereignity or lawful Prerogative of the ſaid King, his Heirs or Succeſſors or contrary to the Faith and Allegiance due to the legal Government of *England* from the ſaid *William Penn*, or the Planters and Inhabitants of the ſaid Province; And that thereupon any of the ſaid Laws were adjudged and declared to be void by the ſaid King, his Heirs or Succeſſors, under his or their Privy-Seal. That then and from thenceforth ſuch Laws concerning, which the ſaid Judgment and Declaration were made, ſhould become void, otherwiſe the Laws ſo tranſmitted, ſhould remain and ſtand in full Force according to the true Intent and Meaning thereof.

BY VIRTUE of which Letters Patent, and purſuant to the Powers, Proviſoes and Reſtrictions therein ſpecified, divers reaſonable and wholeſome Laws were made tranſmitted and preſented to the ſaid King and Privy-Council.

AND WHEREAS, the King and Queen that now are over *England*, &c. by their Letters Patent, under their Great-Seal, dated the one and twentieth Day of *October*, in the fourth Year of their Reign, having (for the Reaſons therein mentioned) taken the Government of this Province, and Country into their own Hands and under their immediate Care and Protection, did think fit to conſtitute and appoint thee, the ſaid

Benjamin

Benjamin Fletcher, to be their Captain General and Governor in Chief, in and over the ſame, thereby requiring thee amongſt other Things, to do and execute all Things in due Manner, that ſhall belong to thy Command, and the Truſt repoſed in thee by the ſaid King and Queen, according to ſuch reaſonable Laws and Statutes, as then were in Force or thereafter ſhould be made and agreed upon by thee, with the Advice and Conſent of the Council and Aſſembly of this Country.

NOW FORASMUCH as the Laws of this Government ſo made and tranſmitted as aforeſaid, have not been hitherto adjudged or declared (either by the late King and Council or by his Succeſſors, the ſaid King and Queen and their Council, under his or their Privy Seal) to be void, ſo that ſuch of the ſaid Laws as were not diſcontinued or repealed by the Legiſlative Authority of this Government, are ſtill in Force.

AND ſeeing it hath pleaſed the ſaid King and Queen, to tenderly to regard the happy Government, and Comfort as well as Protection of this Province and Country, as to conſerve thoſe our Laws and Conſtitutions ſo fitly accommodated to our Circumſtances (with reſpect to tender Conſciences, as well as Commerce and Cultivation) We can do no leſs, than with Gratitude and Sincerity acknowledge their Royal Bounty and peculiar Favour therein, earneſtly deſiring, that thou would be pleaſed (according to the Tenor and moſt favourable Direction of thy Commiſſion) to govern us, and cauſe the Adminiſtration of Juſtice within this Government to be agreeable with theſe following Laws, which are now in Force as aforeſaid, *That is to ſay*,

The firſt Law, Concerning Liberty of Conſcience. The 2d. Law, concerning Qualifications of Members of Aſſembly. The 3d, and 4th Laws againſt Swearing. The 5th. and 83d. Laws againſt prophane Speaking. The 6th. againſt Curſing. The 7th Law againſt Adultery. The 8th Law againſt Inceſt. The 11th, Law againſt Polygamy. The 12th. and 83. Laws of Drunkenneſs, The 13th and 169th Laws againſt ſuch as ſuffer Drunkenneſs in their Houſes and about Ordinaries. The 14th. Law againſt Drinking Healths. The 17th. Law againſt Breaking into Houſes, The 19th, Law againſt forcible Entry. The 20th. Law againſt Rioters. The 21ſt. Law againſt Menacing Parents. The 22d. Law againſt menacing Magiſtrates. The 23d. Law againſt menacing Maſters or Miſtreſſes. The 25th Law againſt Challenging to fight. The 26th. and 27th. Laws againſt rude Sports, Plays and Games. The 28th. Law againſt Sedition. The 30th. Law againſt Spreaders of falſe News. The 31ſt. and 121ſt. Laws againſt Scolding. The 35th. Law concerning Days of the Week. Months, &c. The 37th. Law about Pleading in Engliſh. The 38. Law about Trial by twelve Men. The 39th. 123d. and 150th. Laws about Fees, Bribery and Extortion. The 41ſt Law about Defalcation. The 42d, 74th. and 167th. Laws about Arreſts, The 43d. Law about verbal Contracts. The 45th. and 46th. Laws about Wills. The 50th. Law againſt Defacers of Charters &c. The 53d. Law about Goalers. The 54th. Law about Priſons. The 55th. Law about falſe Impriſonment. The 56th. Law about the Manner of Puniſhments. The 58th Law about free Elections. The 59th. Law about Taxes. The 64th. Law about Liberty and Poperty. The 66th. Law about Summons and Court Proceedings, The 72d. Law about Derogators of Judgments of Courts. The 74th. Law about making Debtors pay by Servitude. The 75th. Law againſt Barrators. The 77th. Law about Orphans Courts. The 79th. Law about acknowledging Deeds in Court. The 80th. Law about ſeven Years Poſſeſſion. The 81, Law about County Seals. The 82d. Law about counterfeiting Hands and Seals. The 84th. *Law* about viewing Pipe ſtaves. The 90th. Law againſt taking away Boats or Canoes. The 91ſt and 184th. Laws about Fences. The 93d. Law about Firing Woods. The 96th. Law about Hog Stealing. The 100th. Law about Cartways. The 101ſt. Law about Houſe of Correction. The 102d. Law about Weights and Meaſures The 108th Law about Departers out of the Province, The 114th, Law about Buying Land of Natives. The 118th. Law againſt Murder. The 119th. Law about binding to the Peace. The 120th Law againſt Fornication, The 125th, Law about Aſſigning Bills and Specialties. The 126th. Law about Bills of Exchange. The 132d. Law againſt Truſting Mariners. The 134th. Law about Paſſes. The 135th Law againſt ſelling Servants out of the Province. The 136th. Law againſt Attaching Servants. The 137th. Law about entertaining Servants. The 138th. Law about Trucking with Servants. The 153, and 180th. Laws about Run-away-Servants. The 146th. Law about Summoning Juries. The 149th. Law about exporting Horſes, The 156th. Law about Monthly Courts. The 164th. and 165th. *Laws* about Robbing and Stealing. The 168th. *Law* about Appraiſers. The 177th, *Law* about Juries not appearing. The 178th. *Law* about removing Land marks. The 181ſt. *Law* about Debts payable in Country Produce. The 183d. *Law* about Tanning *Leather*. The 187th. *Law* againſt Uſury. The 188th *Law* about Sale of Inteſtates Land by the Widow or Adminiſtrator. The 189th. Law about taking Lands in Execution for Debts &c. The 194th. Law againſt Witneſſes, refuſing to give Evidence being ſummoned. The 198th. *Law* about the Dike of *New-Caſtle*. The 199th. *Law* againſt Rangers. The 200. Law about determining Debts under *Forty Shillings*. The 201ſt. *Law* about the Regiſtry kept by religious Societies. The 203d. *Law* concerning the Surveyor General's Fees.

All which ſaid *Laws* and Chapters, and every Part thereof, we humbly deſire, that thou will be pleaſed to cauſe thy Officers and Miniſters to obſerve and put in due Execution, as they tender the Honour of God, the Kings Commands, the Proſperity of this Government, and the Rights and *Liberties* of the free People thereof, which ſaid *Laws* and Chapters hereafter follow in theſe Words, *That is to ſay*.

By

By his Excellency *Benjamin Fletcher, Captain General and Governor in Chief of the Province of* New York, *Province of* Pennſylvania, *and Country of* New-Caſtle, *and Territories and Tracts of Land depending thereon in* America.

THESE are in their Majeſties Name to require and command all Juſtices, Sheriffs, Conſtables, and other Officers within the Province of *Pennſylvania*, and Country of *New-Caſtle*, That they do execute or cauſe to put in Execution the aboveſaid Laws until their Majeſties Pleaſure ſhall be further known. Given under my Hand this firſt Day of *June*, *Anno Domini* 1693.

BEN. FLETCHE R

§ 14. *The Law about Teſtates and Inteſtates Eſtates.*

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all real Eſtates and Lands, Tenements and Hereditaments and all perſonal Eſtates which any Perſon hath in this Province and Territories at the Time of his Deceaſe ſhall be liable, either by Conveyance or Bill of Sale, duly executed by the lawful Executor or Adminiſtrator of ſuch deceaſed, and approved and acknowledged in open Court, according to Law, or by Judgment and Order of the reſpective Courts of Record, upon due Procedure therein had, to be ſeized and ſold for Payment of the Decedents juſt Debts, ſo far as the ſame Eſtate ſhall extend, in due Order of Law; *That is to ſay*, firſt Funeral Expences, then Debts and Duties due to the Governor; then Judgments, then Debts by Recognizance, then Debts by Obligation, then Bills, then Rents, then Servants and Workmens Wages, then Merchants Books, lately contracted, and Promiſes by Word, Arrears of Accounts, and ſuch like, Which ſaid Sale and Seizures are hereby declared to be binding and concluſive againſt ſuch Deceaſeds and their Heirs, and all claiming under them.

AND after all Debts are paid as aforeſaid, then the Surpluſage or Reſidue, if any be, of all the Teſtators ſaid perſonal Eſtate, ſhall be by the Executors divided and proportionably diſtributed according to their laſt Wills.

AND that the Supluſage or Reſidue of an Inteſtates perſonal Eſtate, (all Debts being paid as aforeſaid) ſhall be thus diſpoſed of and diſtributed, *to wit*. One Third Part thereof to the Wife of the Inteſtate the Reſidue amongſt his Children and ſuch as legally repreſent them, (if any of them be dead) the eldeſt Son having a double Part or Share: And if there be no Children nor legal Repreſentatives of them, one Moiety ſhall be allotted to the Wife, the Reſidue equally to the next of Kindred to the Inteſtate in equal Degree, and thoſe who repreſent them. And if the Inteſtate leaveth no Wife, Child or Children, it ſhall go to his Brothers and Siſters, if any be, or to the Children of ſuch Brothers and Siſters: And in caſe no ſuch be, it ſhall go to the Parents; and for want of Kindred, the one Half to the Governor for the Time being, and the other Half to the Publick Stock of the County, where ſuch Eſtate lieth.

AND the perſonal Eſtate of an Inteſtate Widow, ſhall go to her Child or Children, the ſame to be diſpoſed of as aforeſaid.

AND the perſonal Eſtate of a ſingle Man or Woman, dying Inteſtate, ſhall go to his and their Brothers and Siſters, if any be, and for want of ſuch, then as before limited.

PROVIDED ALWAYS, That where ſuch Teſtators or Inteſtators ſaid perſonal Eſtates are ſufficient to pay all Debts and Damages owing by them at the Time of their Deceaſe, with all Charges incident thereunto, that then their reſpective real Eſtate aforeſaid, ſhall be diſpoſed of and diſtributed in Manner following; that is to ſay, all Teſtators, real Eſtate to be inveſted and remain, as their laſt Wills and Teſtaments deviſe the ſame; and One Third Part of all Inteſtates Lands and Tenements to the Wife for her Life, the Reſidue and Remainder thereof to be allotted and diſtributed in the ſame Manner, as the Surpluſage of the Inteſtates perſonal Eſtate, as above limited and directed.

ALL which Diſtributions of the Remainders and Surpluſages as well of the Teſtates, as Inteſtates Eſtates, are to be made by the Regiſter General for the Time being, within twelve Months after the Decedents Death. And every one to whom any Shares ſhall be allotted, ſhall give Bond with Securities to the ſaid Regiſter General, that if Debts afterwards be made to appear, he or ſhe, ſhall refund his or her rateable Part thereof, and of the Executors or Adminiſtrators Charges accruing thereby.

AND that all ſuch of the Inteſtates Relations and Perſons concerned, who ſhall not lay legal Claims to the ſaid Eſtates within three Years next after the Deceaſe of the Inteſtate Party, ſhall be debarred for ever.

AND BE IT FURTHER ENACTED, by the Authority aforeſaid, That all Executors and Guardians to Perſons under Age, ſhall give ſufficient Bond to the Court of Orphans in the Precincts, where they live, faithfully to diſcharge their Truſt; and that the ſaid Obligations ſhall ſtand in full Force and Virtue, till they have paſſed their Accounts in Court, and are legally diſcharged. And if any Man ſhall refuſe this honeſt Care and Charge in the Government, unleſs he have five Children to take Care of, or is already Executor to one Will, or hath Perſons nearer related to him, who in all Likelihood, will impoſe that Charge upon him, he ſhall be fined at the Diſcretion of the aforeſaid Court, who ſhall appoint one to adminiſter in the Room of ſuch Perſon, to the Ends expreſſed in the Will of the Teſtator.

§ 23. *The Law about the Recording of Deeds.*

TO prevent any Damage or Inconveniency, that may ariſe for not recording of Deeds, Gifts, Grants and Charters, enjoined by the late Laws of this Government, *Be it enacted* by the Authority aforeſaid, That ſuch Writings, though they were never recorded nor enrolled, according to Law, yet they are hereby indemnified, and are declared as good and authentick as if they had been duly entered and enrolled; and it is the true Meaning of this Act, that no Deeds or other Writings, ſhall be required to be recorded, but that ſuch Deeds and Writings, as ſhall be enrolled or regiſtered in the Rolls-Office; and the

Exemplification of the Records of the ſame, in all Courts of Judicature, ſhall be allowed and judged as valid as the Original.

§ 5. *The Law about taking Land in Execution for Debts &c.*

VI GUIL. et MARIÆ A. D 1694. FORASMUCH as by a Law made at *Upland* it was enacted that all Lands were made liable to pay Debts with ſuch Reſtrictions and Limitations, as are therein expreſſed; For the fuller and more ſatisfactory Explanation and Alteration of the ſame, *It is hereby enacted*, That all Lands whatſoever, and Houſes, ſhall be liable to Sale upon Judgment and Execution obtained againſt the Defendant, his Heirs, Executors or Adminiſtrators, with this due Proviſo, that the Meſſuage and Plantation, with its Appurtenances, upon which the Defendant is chiefly ſeated, may not be expoſed to Sale, till the Expiration of one Year after the Judgment obtained, to the Intent that the Owner or any on his Behalf, may endeavour the Redemption of the ſame. And before ſuch Sale ſhall be made, the Appraiſement thereof, ſhall be by twelve honeſt and diſcret Men of the Neighbourhood; And that after ſuch Sale and Appraiſement as aforeſaid, the Land ſhall be and remain as a free and clear Eſtate to the Purchaſer or Creditor, his Heirs and Aſſigns forever, as ever it was to the Debtor, *Provided always*, That lawful Intereſt be allowed to the Creditor from the Time of the ſaid Judgment obtained, until the ſaid Time of Sale or Satisfaction. *Provided alſo*, that the chief Plantation or Meſſuage, ſhall be the laſt to be executed.

§ 6 *The Law about Sale of Inteſtates Lands by the Widow or Adminiſtrator.*

BE IT ENACTED by the Authority aforeſaid, That any Perſon, who died or that ſhall die Inteſtate, being Owner of Lands within this Province or Territories thereunto belonging, and hath left or ſhall leave legal Iſſue, it ſhall be lawful for the Widow or Adminiſtrator, in caſe of conſiderable Debts. Charge of Child or Children, to make Sale of ſuch Parts or Tracts of the ſaid Lands, as the Council or County Court ſhall think meet, towards the defraying of ſuch juſt Debts, the Education of ſuch Child or Children, Support of the Widow and the better improving the Remainder of the Eſtate to their Advantage.

§ 4 *The Law about Teſtates and Inteſtates Eſtates.*

IX. GUIL. III A. D. 1697. AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all real Eſtates and Lands, Tenements, and Hereditaments, and all perſonal Eſtates, which any Perſon hath in this Province and Territories, at the Time of his Deceaſe, ſhall be liable, either by Conveyance or Bill of Sale, duly executed by the lawful Executor or Adminiſtrator, of ſuch Dereaſed, and approved and acknowledged in open Court, according to Law, or by Judgment and Order of the reſpective Courts of Record, upon due Procedure therein had, to be ſeized and ſold for Payment of the Decedents juſt Debts, ſo far as the ſame Eſtate ſhall extend in due Order of Law; *That is to ſay*, Firſt Funeral Expences, then Debts and Duties due to the Governor, then Judgments, then Debts due by Recognizance, then Debts due by Obligation, then Bills, then Rents, then Servants and Workmens Wages, then Merchants Books, lately contracted, and Promiſes by Word, Arrears of Accounts, and ſuch like: Which ſaid Sales and Seizures are hereby declared to be binding and concluſive againſt ſuch Deceaſeds, and their Heirs and all claiming under them. And after all Debts are paid, as aforeſaid, then the Surpluſage or Reſidue, if any be, of all the Teſtators ſaid perſonal Eſtate, ſhall be by the Executors divided and proportionably diſtributed according to their laſt Wills. ALWAYS PROVIDED, That his Widow have not leſs than One Third Part of the ſaid perſonal Eſtate, except where due and equivalent Proviſion hath been made before by the Teſtator. And that the Surpluſage or Reſidue of an Inteſtate's perſonal Eſtate, (all Debts being paid as aforeſaid,) ſhall be thus diſpoſed of and diſtributed, *to wit*, One Third Part thereof to the Wife of the Inteſtate, the Reſidue amongſt his Children and ſuch as legally repreſent them, if any of them be dead, the eldeſt Son having a double Part or Share: And if there be no Children nor legal Repreſentatives of them, one Moiety ſhall be allotted to the Wife, the Reſidue equally to the next of Kindred to the Inteſtate, in equal Degree and thoſe who repreſent them. And if the Inteſtate leaveth no Wife, Child nor Children, it ſhall go to his Brothers and Siſters, if any be, or to the Children of ſuch Brothers and Siſters, and in caſe no ſuch be, it ſhall go to the Parents: And for want of Kindred, the one Half to the Governor for the Time being, and the other Half to the Publick-Stock of the County, where ſuch Eſtate lieth. And the perſonal Eſtate of an Inteſtate Widow, ſhall go to her Child or Children, the ſame to be diſpoſed of as aforeſaid. And the perſonal Eſtate of a ſingle Man or Woman dying Inteſtate, ſhall go to his and their Brothers and Siſters, if any be, and for want of ſuch, then as before limited. *Provided always*, That where ſuch Teſtators or Inteſtators ſaid perſonal Eſtates are ſufficient to pay all Debts and Damages, owing by them, at the Time of their Deceaſe, with all Charges incident thereunto, that then their reſpective real Eſtates aforeſaid, ſhall be diſpoſed of and diſtributed in Manner following, *That is to ſay*, all Teſtators real Eſtates, to be inveſted and remain as their laſt Wills and Teſtaments deviſe the ſame. *Provided always*, That no leſs than one Third Part of the ſaid real Eſtate, be allowed and inveſted in the Widow, during her natural Life, except, where due and equivalent Proviſion hath been made before by the Teſtator. And one Third Part of all Inteſtates Lands and Tenements, to the Wife for her Life, the Reſidue and Remainder thereof, to be allotted and diſtributed in the ſame Manner, as the Surpluſage of the Inteſtates perſonal Eſtate as above limited and directed. All which Diſtributions of the Remainders and Surpluſages as well of the Teſtators, as Inteſtators Eſtates, are to be made by the Regiſters

gister-General, for the Time being, within twelve Months after the Decedents Death, and every one to whom any Share shall be allotted, shall give Bond with Securities, to the said Register-General, that if Debts afterwards be made to appear, he or she, shall refund his or her rateable Part thereof, and of the Executors or Administrators Charges accruing thereby. And that all such of the Intestates Relations and Persons concerned; who shall not lay legal Claims to the said Estates within seven Years after the Decease, of the Intestate Parties, shall be debarred for ever.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all Executors and Guardians to Persons under Age, shall give sufficient Bond to the Court of Orphans, in the Precincts, where they live, faithfully to discharge their Trust, and that the said Obligations shall stand in full Force and Virtue, till they have pass'd their Accounts in Court and are legally discharged.

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§ 30. *An Act for Naturalization.*

XII. GUIL. III. A. D. 1700.

FORASMUCH as the just Encouragement of the Inhabitants of this Province and Territories, is likely to be an effectual Way for the Improvement thereof, and since some of the People that live therein and are likely to come thereunto, are Foreigners and not Freemen, according to the Acceptation of the Laws of *England*, the Consequences of which may prove very detrimental to them in their Estates and Trafique and injurious to the Prosperity of this Province and Territories; *Be it therefore enacted*, by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of the said Province and Territories in General Assembly met, and by the Authority of the same; That it shall and may be lawful for the Proprietary and Governor and his Heirs or his, or their Lieutenant and Governor for the Time being, by a publick Instrument under his or their Broad-Seal, to declare any Alien, Aliens or Foreigners being already settled or inhabiting within this Government, or that shall hereafter come to settle, plant, or reside therein, having first made and given his or their solemn Engagement, or Declaration, to be true and faithful to the King as Sovereign, and to the Proprietary and Governor of this Province and Territories, according to the Laws and Usages thereof, before the Governor for the Time being, to be to all Intents and Purposes, fully and compleatly naturalized, and the Persons so approved of and named in such Instrument or Instruments as aforesaid, shall by Virtue of this Act have and enjoy to them and their Heirs the same Rights and Immunities of and unto the Laws and Privileges of this Government, as fully and amply as any other of the King's natural born Subjects, have or enjoy, within the same, any former Law, Act, Ordinance, Custom, or Usage to the contrary in anywise notwithstanding. And to the End such Letters or Instruments, under the Broad-Seal of this Province as aforesaid, may be obtained without any great Difficulty or Charge; *Be it further enacted*, That the Governor shall have and receive for the same, *Twenty Shillings* from every Person, already settled and residing within this Government, that shall take out such Instrument, and *Thirty Shillings* from every Alien or Foreigner, that shall come to settle under this Government, and no more. And the Secretary, shall have *Six Shillings* and the Keeper of the Great-Seal, *Six Shillings*, for each and every such publick Instrument granted as aforesaid; *Provided*, That nothing in this Act contained, shall be construed to enable, or give Power or Privilege to any Foreigner, to do, or execute any Matter or Thing, which by any Act of Parliament in *England*, concerning the King's Plantations, he is disabled to do, or execute: *Provided Always*, *And be it further enacted* by the Authority aforesaid, That all *Swedes*, *Dutch*, and other Foreigners, who were settled in this Province or Territories, before the Date of the King's Letters Patents to the Proprietary and Governor shall be deemed, and by this Act are declared, to be fully and compleatly naturalized, and shall by Virtue hereof, have and enjoy to them and their Heirs, the same Rights and Immunities, of and unto the Laws and Privileges of this Government, as any other Foreigners may, or can enjoy, by Virtue of this Act, any Thing herein to the contrary notwithstanding.

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§ 31. *An Act for ascertaining the Descent of Lands, and better Disposition of the Estates of Persons intestate.*

FOR the Prevention of Disputes and Contests at Law, or otherwise, concerning Estates, real and personal, of Persons dying Intestate, and for the more equal Payment of their Debts, *Be it enacted*, by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province, and Counties annexed, in General Assembly met, and by the Authority of the same, That all Lands, Tenements and Hereditaments, and all personal Estates whatsoever, which any Person hath or is seized or possessed of, in his or her own Right at the Time of his or her Decease, within this Province and Territories, shall be liable to be seized and sold by the lawful Executor or Administrator of the Deceased, by any lawful Deed or Conveyance, duly executed and approved and acknowledged in open Court, according to Law, or by Judgment or Order of the respective Courts of Record, upon due Procedure therein respectively had for the Payment of the Decedents just Debts, so far as the said Estates shall extend in due Order of Law, *That is to say*, first, Funeral Expences; secondly, Debts and Duties due to the King, and Proprietary and Governor; Thirdly, Judgments, fourthly, Debts due by Recognizance; Fiftly, Debts due by Obligation; Sixthly, Bills; Seventhly, Rents; Eighthly, Servants and Workmen's Wages, Ninthly, Merchants and Traders Books, and Promises by Word; Arrears of Accounts and such like; which said Seizures, Sales and Payment, shall be binding and conclusive against such Decedents, their Heirs, and

and all Perſons whatſoever, claiming by, from or, under them, or any of them. And after all Debts and Dues paid and ſatisfy'd as aforeſaid, the Surpluſage or Reſidue (if any be) of all the Teſtators ſaid perſonal Eſtate ſhall be by the Executors divided and proportionably diſtributed according to the ſaid Teſtators laſt Wills. *Provided Always*, That the Widow ſhall not have leſs than one Third Part of the ſaid clear perſonal Eſtate, except where equivalent Proviſion hath before been made for her by the Teſtator, and that the Reſidue of the perſonal Eſtates, of Inteſtates (all their Debts being firſt paid as aforeſaid) ſhall be diſpoſed of, and diſtributed in Manner following, *That is to ſay*, one Third Part thereof, to the Relict or Widow of the Inteſtate aforeſaid, and all the Reſidue by equal Portions to and amongſt the Children of the Inteſtate and ſuch Perſons as legally repreſent ſuch Children in Caſe any of the Children be then dead, other than ſuch Child or Children, who ſhall have any Eſtate, by the Settlement of the Inteſtate, or ſhall be advanced by the Inteſtate in his or her Life-time by Portion or Portions equal to the Share, which ſhall by ſuch Diſtribution be allotted to the other Children, to whom ſuch Diſtribution is to be made. And in Caſe any Child, who ſhall have any Eſtate, by Settlement, from the ſaid Inteſtate, or ſhall be advanced by the ſaid Inteſtate in his or her Life time, by Portion not equal to the Share, which will be due to the other Children by ſuch Diſtribution as aforeſaid, then ſo much of the Surpluſage of the ſaid Inteſtate's Eſtate, ſhall be diſtributed to ſuch Child or Children, as ſhall have any Land by Settlement, from the Inteſtate or were advanced, in the Life-time of the Inteſtate, as ſhall make the Eſtates, of all the ſaid Children to be equal, or as near as can be eſtimated. *Provided*, that the firſt born, if a Son, of the ſaid Inteſtate, ſhall have a double Portion or Share of ſuch clear Reſidue of the Inteſtate's Eſtate as aforeſaid, the Widow's Third, being firſt therefrom divided. And in Caſe, there be no Children nor legal Repreſentatives of them, then one Moiety of ſuch Eſtate, ſhall be allotted to the Widow of the Inteſtate, and the Reſidue of the Eſtate diſtributed equally to every of the next of Kindred of the Inteſtate, who are in equal Degree, and thoſe, who legally repreſent them, *Provided*, That there ſhall be no Repreſentations admitted among Collaterals after Brother's and Siſter's Children; and in Caſe the Inteſtate ſhall have no Widow, then all the ſaid Eſtate, ſhall be diſtributed equally to and among the Children (the firſt born, if a Son, having a double Share as aforeſaid) And in caſe there be no Child, then to the next of Kindred of the Inteſtate in equal Degree and their legal Repreſentatives as aforeſaid, and in no other Manner whatſoever.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That in caſe ſuch Inteſtate, ſhall leave no known Kindred, then all his Lands, Tenements and Hereditaments, ſhall deſcend and go to the immediate Landlord, of whom ſuch Lands are held, his Heirs and Aſſigns, and if held immediately of the Proprietary, then to the Proprietary, his Heirs and Aſſigns, and all the Goods, Chattels and perſonal Eſtate whatſoever, of ſuch Perſon dying Inteſtate, and without Kindred as aforeſaid, ſhall go to the Proprietary and Governor, his Heirs and Aſſigns: *Provided Always, And be it further enacted* by the Authority aforeſaid, That where ſuch Teſtators, or Inteſtates perſonal Eſtates are ſufficient to pay all Debts and Damages, owing by them reſpectively, at the Time of his, her or their Deaths, with all Charges incident thereunto, then the real Eſtates, Lands, Tenements and Hereditaments, of ſuch Teſtators and Inteſtates, ſhall be diſpoſed of, and diſtributed in Manner following; All Teſtators real Eſtate, ſhall be diſpoſed, and remain according to the laſt Will and Teſtament of the Teſtator, *Provided Always*, That no leſs than one Third Part of any real Eſtate be allotted to the Widow of ſuch Teſtator, during her natural Life, except where due and equivalent Proviſion hath been made, before by the Teſtator. And one Third Part of all Lands, Tenements and Hereditaments of or belonging to any Perſon dying Inteſtate, ſhall go and be allotted to his Widow for her Life, and the Reſidue and Remainder thereof, ſhall be diſtributed and allotted in the ſame Manner as the Surpluſage of the Inteſtates perſonal Eſtates above limited and directed; all which Diſtributions of the Remainders and Surpluſages as well of Teſtators, as Inteſtates Eſtates, ſhall be made by the reſpective Regiſters of the Counties, where ſuch Teſtators or Inteſtates Eſtates ſhall lye for the Time being, within twelve Months next after the Decedents Death, and every one to whom any Share in the Diſtribution, ſhall be allotted, ſhall give Bond with ſufficient Sureties to the ſaid Regiſter, that if any Debt or Debts, truly owing by the Inteſtate, ſhall afterwards be ſued for and recovered or otherwiſe duly made to appear that then and in every ſuch Caſe he or ſhe, ſhall refund and pay back to the Adminiſtrator, his or her rateable Part of ſuch Debt or Debts, and of the Coſts of Suit, and Charges to the Adminiſtrator by Reaſon of ſuch Debt accruing out of the Part or Share, ro him or her allotted as aforeſaid, thereby to enable the ſaid Adminiſtrator to pay and ſatisfy the ſaid Debt or Debts, diſcovered after the Diſtribution is made as aforeſaid, and that all ſuch of the Inteſtates Relations and Perſons concerned, who ſhall not lay legal Claim to their reſpective Shares of ſuch Eſtates within ſeven Years after the Deceaſe of the Inteſtates, ſhall be debarred from the ſame forever.

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§43. *An Act confirming Devices of Lands, and Validity of nuncupative Wills.*

TO the End, that Lands and Hereditaments may be enjoyed by the Deviſee and his Heirs, as amply, as Lands granted by Deed by the Grantee, *Be it enacted*, by the Proprietary and Governor, by, and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That all Wills in Writing, wherein or whereby any Lands, Tenements or Hereditaments within this Province or Territories; are or ſhall be deviſed, ſhall be as good, and authentick in Law, (according to the Tenor thereof) as any other Conveyance, for granting of ſuch Lands, and Premiſes, whether the ſaid Wills be made within or out of this Province or Territories. *Provided*, the ſame be legally proved within this Province or Territories, within ſix Months after the Death of the Teſtator, or within Eighteen Months, if the Deviſee live out of this Government: And for the preventing of all Diſadvantages and Hardſhips, that may accrue to any Perſon, for want of due Proof of Nuncupative

or

or verbal Wills, or by any pretending the ſame; where no ſuch Will really is, *Be it enacted* by the Authority aforeſaid, That all Nuncupative Wills, made within this Province or Territories, ſhall be of full Force, for all Goods and Chattels, thereby deviſed or bequeathed. *Provided always*, That the ſaid Nuncupative Wills, ſhall be reduced into Writing within two Days after the Deceaſe of the ſaid Teſtator, and ſubſcribed by two ſufficient Witneſſes, who were preſent and heard the Teſtator make the Will, to be atteſted by any Juſtice of the Peace, of the Truth of the ſaid Nuncupative or verbal Will, within Ten Days after the Death of the ſaid Teſtator, which ſaid Will being proved in the Regiſter's-Office in this Province and Territories, within ſix Months next after the Teſtators Death, ſhall be good and valid in Law, according to the Purport thereof, for all Goods and Chattels therein bequeathed as if the ſame had been originally made in Writing by the Teſtator and duly executed as aforeſaid. *And be it further enacted* by the Authority aforeſaid, That no Will or Teſtament, or Nuncupative Will of any Perſon, *non Compos Mentis* or not in his or her right Mind or Underſtanding at the Time of the Making thereof, ſhall be good and valid in Law.

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§46. *An* Act *for impowering Widows and Adminiſtrators, to ſell ſo much of the Lands of Inteſtates as may be ſufficient to clear their Debts &c.*

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That if any Perſon that dyes Inteſtate, being Owner of Lands within this Province or Territories thereof, and leave legal Iſſue behind him, but no ſufficient perſonal Eſtate for their Maintenance or paying of Debts, in ſuch Caſe, it ſhall be lawful for the Widow or Adminiſtrator to make Sale of ſuch Part or Parcel of the ſaid Lands, as the Orphans Court ſhall think fit, towards the defraying of the juſt Debts of ſuch Inteſtate, the Education of his Children, and the improving the Remainder of the Eſtate (if any be) to their Advantage.

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§88. *An* Act *for the effectual Eſtabliſhment and Confirmation of the Freeholders of this Province and Territories, their Heirs and Aſſigns, in their Lands and Tenements.*

WHEREAS at the firſt laying out and ſetling of Lands in this Province of *Pennſylvania* and Territories thereunto belonging, many great Neglects and Errors have been committed, through the Want of Experience and Care both in Officers and the People, as well to the Wrong of the Proprietary, as the Inſecurity of the ſaid People, and the great Inconveniency of both: For Remedy whereof, and for the Safety of the ſaid Province and Territories, in general, and that the Inhabitants may be compleatly and abſolutely ſettled, and fully ſecured in their Rights and Titles to Land, and all Occaſions of Difference and Conteſt thereupon may forever hereafter be prevented and removed, BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Conſent of the Freemen of this Province and Territories, in General Aſſembly met, and by the Authority of the ſame, That all Tracts and Parcels of Land taken up within this Province and Territories, and duly ſeated by Virtue of Letters Patents or Warrants, obtained from Governors or lawful Commiſſioners, under the Crown of *England*, before the King's Grant to the Proprietary and Governor for this Province (except the ſame was had by Fraud or Deceit) ſhall be quietly enjoyed by the actual Poſſeſſors, their Heirs and Aſſigns: And that all Lands and Tracts of Land, duly taken up by virtue of Warrants obtained purſuant to Purchaſes made and had from the Proprietary and Governor, or in Purſuance of any Commiſſion or Power granted by the Proprietary to any other Perſon (except as before excepted, and except where the ſame does interfere with other Perſons juſt Rights and Claims) ſhall be quietly and peaceably enjoyed by, and confirmed to the Poſſeſſor (according to the ſaid Warrants) his Heirs and Aſſigns forever; and altho' no Patent hath been granted, yet, if peaceably Entry and Poſſeſſion hath been obtained, by Warrants, or otherwiſe, as aforeſaid, and thereupon quiet Poſſeſſion hath been held during the Space of *Seven* Years, or more, ſuch Poſſeſſion, or ſuch Entry as aforeſaid ſhall give an unqueſtionable Title to all ſuch Lands, according to the Quantity they were taken up for, and ſhall be deemed and held good; and be confirmed by the Proprietary to the Seaters or Poſſeſſors thereof, their Heirs and Aſſigns, for ever AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all Grants for Lands from the Proprietary, ſhall be henceforth under the Great Seal of this Province and Territories; which Grants ſhall give the reſpective Grantees an abſolute Title for all the Lands therein to be granted or confirmed, be they more or leſs than laid out for, and ſhall never more thereafter be ſubject or liable to any further ſurvey. And that all Grants and Patents heretofore granted, whether under the broad or leſſer Seal, either by the Proprietary himſelf or his Commiſſioners as aforeſaid, ſhall be firm and good, to all Intents and Purpoſes, for the Quantity of Land in ſuch Grants expreſſed, forever after the Time here inlimited, without any further Diſpute. AND WHEREAS ſeveral Miſtakes and Errors have happened through the Negligence, Ignorance or Fraud of Surveyors or Chain-Carriers, and many Surveys have thereby been made erroneous: For the Rectifeying whereof, BE IT ENACTED by the Authority aforeſaid, That it ſhall and may be lawful for the Proprietary and Governor, and his Heirs, by his and their lawful Surveyors, at any Time within the Space of two Years after Publication hereof, to re-ſurvey, or cauſe to be re-ſurveyed, any Perſon's Land within this Province or Territories; and if upon ſuch Re-ſurvey, allowing four Acres in the Hundred, over or under, for the Difference of Surveys, there be more Land found in the Number of Acres than the Tract ſo ſurveyed was laid out for, allowing alſo *Six per Cent.* for Roads and Highways, all ſuch Overplus Lands ſhall be to the Proprietary, and the Poſſeſſor thereof ſhall have the Refuſal of it from the Proprietary, at reaſonable Rates: And if the Proprietary and the ſaid Poſſeſſor do not agree, then, and in ſuch caſe, the Proprietary ſhall chooſe two Men

and the Purchaſer or Renter ſhall chuſe two more who ſhall either fix a Price on the ſaid overplus Land, to be paid by the Poſſeſſor, or otherwiſe appoint where it ſhall be taken off for the Proprietary in one entire Piece, and at an outſide, ſaving to the Purchaſer or Renter his Improvements, and beſt Conveniencies; any three of whom agreeing ſhall be concluſive; and the Charges of Re-ſurveying ſuch Lands ſhall be bore by him to whom the overplus Land ſhall fall, *That is to ſay*, by the Purchaſer or Renter of the Main-Tract if he buy the Overplus, or if not, by the Proprietary. AND BE IT FURTHER ENACTED by the Authority aforeſaid, That if any Purchaſer or Tenant, having procured his Land to be again ſurveyed by any of the lawful Surveyors, ſhall find the ſame to be deficient of the Quantity it was before laid out for and ſhould contain (Allowance for Difference of Surveys, Roads and Highways being firſt made, as above expreſſed) all ſuch Deficiencies ſhall be made good by the Proprietary and Governor according as he receives for the Overplus Land as aforeſaid. And that the People in the ſaid Surveys may have the greater Satisfaction, BE IT FURTHER ENACTED by the Authority aforeſaid, That no Surveyor ſhall enter upon any Perſon's Land to make a Re-ſurvey of the ſame, without firſt giving Notice to the Owner or Poſſeſſor thereof, or leaving Notice at his Houſe, if he dwell near the ſame, and if he do not know him, and the ſaid Owner dwell not in the Precinct or Townſhip, that then ſuch Surveyor ſhall give Notice thereof to the two next Neighbours, under the Penalty of *Twenty Pounds*, to be forfeited to ſuch Owner. And in caſe any Surveyor ſhall hereafter wilfully or negligently ſurvey any Lands to the Prejudice of the Poſſeſſor or Owner, he ſhall make good double Damages to the Party grieved. AND BE IT FURTHER ENACTED by the Authority aforeſaid, That the firſt Hundred Purchaſers of Land in the Province ſhall be preferred, and have Liberty to take up their Lands before any after Purchaſers, ſo that they make Application for the ſame within four Months after Publication hereof. AND BE IT FURTHER ENACTED, That were any Lands have been purchaſed or taken up in Copartnerſhip, and either of the Parties die before Diviſion be made thereof, the Survivor ſhall claim his equal and juſt Share and Proportion, and the Heirs and Aſſigns of the deceaſed Partner ſhall hold and enjoy the Part belonging to ſuch Deceaſed as firmly as when all the Parties were living, unleſs it ſhall appear that there has been ſome Contract or Agreement made to the contrary. And whereas it may ſometimes happen, that where ſome have purchaſed a Parcel of Land (for Inſtance, a Thouſand Acres) and the ſame has been ſurveyed and laid out; but upon a Re-ſurvey of ſuch Tract it is found to contain twelve Hundred Acres, of which the Purchaſers having been wholly ignorant, hath ſold either Part of it or the Whole to ſeveral Perſons or has given it to ſeveral Children, under the Notion of only a Thouſand Acres, upon Re ſurvey of which, by the Proprietary's Order, the Overplus may happen to fall within ſeveral ſmall Plantations, or to conſiſt intirely of one of them, *Be it therefore Enacted* by the Authority aforeſaid, That in ſuch Caſes the Proprietary's Overplus ſhall not be taken of any one particular of the ſaid ſeveral Plantations, but of the rough Land remaining undiſpoſed of in the whole Tract, if any ſuch be; and if there be no ſuch, then to be taken off every particular Plantation proportionably: And the Charges of running the Diviſion Lines ſhall be always borne by the reſpective Owners of the ſeveral Plantations. And where the Overplus is taken in one entire Piece off the Whole, it ſhall and may be lawful for the firſt Purchaſer to cauſe the ſeveral Tracts by him ſold to any meaſne Purchaſer or Purchaſers to be re-ſurveyed by any lawful Surveyor; and the Overplus found in ſuch Tracts or meaſne Purchaſers above what they were ſold or rented for, ſhall go to the Perſon of whom they were bought, in like Manner as the overplus Lands in general go to the Proprietary and Governor. And whereas our Proprietary and Governor did formerly, in a Clauſe of our Charter of Privileges, give and grant to all and every one of the Inhabitants of this Province and Territories full and quiet Enjoyment of their reſpective Lands to which they had any lawful or equitable Claim, ſaving only ſuch Rents and Services for the ſame as were or cuſtomarily ought to be reſerved to the Proprietary, his Heirs and Aſſigns; * which Clauſe, upon delivering up our ſaid Charter, was reſerved, and our ſaid Proprietary and Governor was pleaſed to reſerve to us; We therefore deſire that it may be enacted, *And be it Enacted* by the Authority aforeſaid, That the ſaid Clauſe ſhall be in as full Force, Power and Virtue as if the Surrender of the Charter as aforeſaid had never been made. *Provided always*, That nothing in this Act ſhall be conſtrued to confirm any Lands to the Prejudice of the Right of Infants, married Women, Lunaticks or Perſons beyond the Seas; any thing herein to the contrary in anywiſe notwithſtanding. And for the Satisfaction and Encouragement of Aliens coming into this Province or Counties annexed, *Be it further Enacted* by the Authority aforeſaid, That if any Alien, who is or ſhall be a Purchaſer, or who doth or ſhall inhabit in this Province or Territories thereof, ſhall deceaſe at any time before he can well be naturalized, his Right and Intereſt therein ſhall notwithſtanding deſcend to his Wife and Children, or other his Relations, be he Teſtate or Inteſtate, according to the Laws of this Province and Territories thereof in ſuch Caſes provided, in as free and ample Manner, to all Intents and Purpoſes as if the ſaid Alien had been naturalized. And whereas divers Perſons beyond Seas are and have been Owners of Lands within this Province and Territories, and ſuch Perſons have uſually appointed Attornies to ſell and diſpoſe of the ſame; to the End therefore that the ſeveral Perſons that have ſo purchaſed, their Heirs and Aſſigns, may forever hereafter be ſecured in their Titles and Covenants, BE IT ENACTED by the Authority aforeſaid, That all Sales of Lands, Tenements and Hereditaments made by lawful Attornies, eſpecially granted to ſell ſuch Lands, are and ſhall be deemed and adjudged good and effectual in Law

to

* The Charter is dated April 2d. 1683. and the Place referred to in the above Law is as followeth: *And that* all Inhabitants of this Province and Territories thereof, whether Purchaſers or others may have the laſt worldly Pledge of my good and kind Intentions to them and theirs: I do give, grant, and confirm to all and every one of them, full and quiet Poſſeſſion of their reſpective Lands, towhich they have any lawful or equitable Claim; Saving only ſuch Rents and Services for the ſame, as are or cuſtomarily ought to be reſerved to me, my Heirs or Aſſigns,

to all Intents, Conſtructions and Purpoſes whatſoever, as if the ſaid Owners of ſuch Lands had by their own Deeds, Bargains and Sales actually and really ſold, conveyed and excuted the ſame; and all and ſingular the Lands, Tenements and Hereditaments ſold and conveyed as aforeſaid ſhall be and remain to ſuch Purchaſers reſpectively, their Heirs and Aſſigns forever, as they might or ought to have done to the Owner or Owners of ſuch Lands and Premiſes ſo Imploying his or their Attorney or Attorneys as aforeſaid. *And be it further Enacted* by the Authority aforeſaid, That all Lands, Tenements and Hereditaments that hereafter ſhall be ſold by virtue of any Letter of Attorney, ſhall be good and valid reſpectively to the Purchaſers, their Heirs and Aſſigns, forever, as aforeſaid; provided the ſaid Letters of Attorney be atteſted before ſome Magiſtrate or publick Notary, where the ſame ſhall be made and executed, and certified under their reſpective Hands and publick Seals, and be proved within this Province or Territories *viva voce*, by two Witneſſes at leaſt.

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§ 122 *An Act for the Aknowledging and Recording of Deeds.* IV ANNÆ A. D. 1705.

BE IT ENACTED, &c. That all Deeds and Conveyances, made or to be made, proved, aknowlegded and recorded according to the true Intent and Meaning of this Act, ſhall be of the ſame Force and Effect here for the Aſſurance of the ſaid Lands, Tenements and Hereditaments, and for Docking and Barring Eſtates Tail, as Fines and Recoveries at common Law or Deeds of Feoffment with Livery of Seizin, or Deeds inrolled in any of the Queen's Courts of Record at *Weſtminſter* are or ſhall be in the Kingdom of *England*.

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§ 169. *An Act confirming Patents and Grants.* X. ANNÆ A. D. 1711

BE IT ENACTED by *Charles Gookin*, Eſqr; by the Queen's Royal Approbation, Lieutenant Governor under *William Penn*, Eſqr; abſolute Proprietary and Governor in chief of the Province of *Pennſylvania*, by and with the Advice and Conſent of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That all Lands and Hereditaments which any Perſon or Perſons do hold and enjoy, or ought to have, hold and enjoy within this Province, as well by or under any Gift, Grant or Eſtate made or granted by the ſaid Proprietary and Governor *William Penn*, or his Commiſſioners of Property and Agents, purſuant to the ſaid Perſons Right or Purchaſe, Demiſe or Grant from him the ſaid Proprietary, as alſo by or under any old Grant, Patent or Warrant obtained or had from Governors or lawful Commiſſioners, under the Crown of *England*, before the Date of the late King *Charles* the Second his Letters Patents to the ſaid Proprietary, or by any other legal or equitable Grant, Right, Title, Entry, Poſſeſſion or Eſtate whatſoever, ſhall, by virtue of this Acts be held and enjoyed by ſuch Perſon or Perſons according to the Purport and Intent of the reſpective Right, Grant, Patent, Purchaſe or Demiſe, and for and in the Eſtate or Eſtates thereby granted or intended to be thereby granted or ſettled. *Provided always*, That nothing herein contained ſhall be conſtrued or adjudged to confirm any Lands taken up by virtue of the ſaid old Grants and not duly ſeated or improved by the Grantees or their Aſſigns before the Year *One Thouſand Six Hundred and Eighty-two* nor to create or confirm any Right or Intereſt to any Perſon or Perſons whatſoever for or to any more or great Quantity of Lands, Marſh, Meadow or Cripple than ſhall appear, by Gift, Grant, Demiſe or Purchaſe from the ſaid Proprietary, or his Commiſſioners or Agents, or from his Predeceſſors, the former Governors or Commiſſioners aforeſaid, to be the ſaid Perſon or Perſons juſt Due (over and above the ſix Acres by the ſaid Proprietary allowed to be added to every hundred Acres of Land for Roads and Barrens, and the four Acres over or under, to be accounted for Difference of Surveys) nor ſhall create a Right to the Poſſeſſor or Claimer of any Lands that were not taken up or ſurveyed by virtue of a Warrant or Order from Perſons impowered to grant the ſame, and by a Surveyor appointed for that Purpoſe; any thing herein, or in any Patent, Grant or Survey to the Contrary in anywiſe notwitſtanding. *And be it further Enacted* by the Authority aforeſaid, That all the Sales, Gifts, Grants, Surrenders, Aſſurances, Conveyances and Eſtates in anywiſe conveyed, had or made to or for the ſaid Proprietary, by or from any Perſon or Perſons whatſoever, of any Lands, Tenements or other Hereditaments, for or upon any Conſideration whatſoever, ſhall ſtand, remain and be good and available in Law, according to the true Meaning and Purport of the ſame; *Saving* the Right, Title and Demand of all and every Perſon and Perſons whatſoever, and of their Heirs and Aſſigns (other than ſuch Perſon or Perſons, and their Heirs, being Parties or Privies to ſuch Grants, Surrenders, Conveyances or Aſſurances, or from whom the ſaid Proprietary hath had, obtained or purchaſed any of the ſaid Lands, Tenements and Hereditaments by Exchange, Surrender, Gift, Grant, Deed, or otherwiſe. *And be it further Enacted* by the Authority aforeſaid, That the ſaid *William Penn*, his Heirs and Aſſigns, Proprietaries of this Province of *Pennſylvania*, either by him or themſelves, or by his preſent Commiſſioners or Deputies, or by Commiſſioners or Deputies or Agents, to be by them appointed, ſhall and will from time to time, and at all times hereafter, upon all reaſonable Demands, make, do, and execute, or cauſe ſo to be, all and every ſuch Patents, Grants or Aſſurances as may be neceſſary according to the Laws and Conſtitutions of this Province, to grant, aſſure and confirm all and ſingular the Lands, Tenements and Hereditaments in the ſaid Province by him the ſaid Proprietary or his Commiſſioners or Agents heretofore ſold, granted or diſpoſed, or which by him, his Heirs or Aſſigns, or by his or their Commiſſioners or Agents ſhall hereafter be ſold, granted or diſpoſed to any Perſon or Perſons, Bodies politick or corporate, to hold the ſaid Lands, Hereditaments and Premiſes, with their Appurtenances, to the Grantees or Perſons intereſted therein, for ſuch Eſtate or Eſtates, Term or Terms of Life, Lives or Years, and for ſuch Uſes, and under ſuch Rents or Acknowledgments as the ſame Lands and Premiſes were, are or ſhall be ſold, granted or diſpoſed of as aforeſaid: *Saving* to all Perſons their Rights, Titles, Eſtates and Intereſt in Lands (granted, derived or

Grants

claimed by, from or under the ſaid old Patents or Grants made before the Date of the ſaid Letters Patents) ſeated and improved as aforeſaid,

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That all and every the Grants, Patents, Deeds or Conveyances of or for any Lands, Tenements and Hereditaments in this Province, heretofore made or given by the ſaid Proprietary, his Commiſſioners or Agents under any of his Seals or hereafter to be made given or paſſed by the ſaid Proprietary, his Heirs or Aſſigns, or by his or their Deputies, Commiſſioners or Agents, ſealed with or under the Seal or Seals now uſed or hereafter to be uſed for that Purpoſe, and entered upon Record in the Patent or Rolls-Office (which is hereby declared to be an Office of Record) ſhall be good and available in Law, and ſhall be adjudged, deemed and taken, and are hereby declared to be Grants or Conveyances and Matters of Record, and to have no need of Delivery before Witneſſes, Livery and Seizin, or Acknowledgments as Deeds of other Perſons may or ought to have; and none ſhall be admitted to plead *non eſt factum*, or *nul tiel* Record, againſt them, or ſhall plead in Diſability of the Perſon or Perſons, in whoſe Names or ſtead they have been or ſhall be made or granted; but inaſmuch as they are in the nature of Conveyances, therefore, if any ſhall have Occaſion to deny the Operation thereof, the Party may plead *non conceſſit*, and prove in Evidence that he or they, in whoſe Name or ſtead the ſame Patents or other Deeds were made or granted as aforeſaid, had nothing in the Lands or Tenements ſo granted, or that the ſame Lands and Hereditaments did not paſs by ſuch Grant, Deed, Patent or Conveyance.

And be it further Enacted by the Authority aforeſaid, That no Grant, Patent or Conveyance of any Lands, Tenements or Hereditaments ſo as aforeſaid made, or which ſhall at any time hereafter be made or granted by the ſaid Proprietary, his Heirs or Aſſigns, or by his or their ſaid Commiſſioners or Agents as aforeſaid, to or for the Uſe of any Perſon or Perſons, Bodies politick or corporate, ſhall be adjudged, or taken to be defective, avoided or prejudiced for or by reaſon of any Miſnaming, Miſrecital or Non-recital of any of the ſaid Lands, Tenements, Hereditaments, and Premiſes, or any Part thereof, or any lack of finding of Office or Inquiſitions of and in the Premiſes, or any Part thereof, whereby the ſaid Proprietary's Title therein ought to have been found, or for Miſrecital or Nonrecital or not mentioning, or not true mentioning of the ſaid Proprietary's Eſtate or Eſtates of, in or to the Premiſes, or for miſnaming or not true naming of the Counties or Places where the ſaid Lands and Premiſes lie or be, or for lack of the true naming of the Lands and Premiſes, or of the Natures, Kinds or Qualities thereof, or for any want of Form, or for not being formerly entered upon Record, or for want of being hererofore ſealed with the Great-Seal, or for not being ſealed and delivered before Witneſſes or for want of Livery and Seizin or Attornment, or for not mentioning the Conſideration: But that all the ſaid Gifts, Grants, Patents and Conveyances, with all the Warrants and Returns of Surveys, purſuant thereunto, and other Writings relating to the ſaid Lands, Hereditaments and Premiſes, ſhall be, and are hereby declared and enacted to be, good and available in Law againſt the ſaid Proprietary, his Heirs and Aſſigns, and againſt all others claiming or to claim under him or them, and againſt all and every other Perſon and Perſons, that ſhall at any time inherit or enjoy this Province: and that the ſame ſhall be and remain in full Force, and be maintained and have Effect, according to the true Intent and Purport thereof, and ſhall be expounded, deemed and adjudged moſt beneficially for the Patentees, Donees and Grantees of the ſame, and their Heirs and Aſſigns, Executors and Adminiſtrators, according to the Words, Tenor and true Meaning of every of the ſaid Gifts, Grants, Patents, Conveyances, Surveys and other Writings.

And be it further Enacted by the Authority aforeſaid, That all and ſingular the ſaid Lands, Hereditaments and Premiſes, and every Part thereof, which have been granted or confirmed by the ſaid Patents or Conveyances paſſed under the Proprietary's Seal, and recorded, as aforeſaid, as alſo all and ſingular the Lands and Hereditaments hereafter to be granted, conveyed or confirmed by Patents or other Conveyances, which ſhall paſs under the Seal of the ſaid Proprietary, his Heirs or Aſſigns, and be entered of Record in Manner aforeſaid; and every Part thereof ſhall be and continue unto the ſaid Patentees, Donees and Grantees, and ſuch as ſhall legally repreſent them, free and clear, freely and clearly acquitted and diſcharged, or otherwiſe well and ſufficiently ſaved harmleſs and indemnified by the ſaid Proprietary, his Heirs and Aſſigns, of and from all *Indian* Claims and all other Gifts, Grants, Sales, Titles, Charges and Incumbrances whatſoever, heretofore had, made, done or ſuffered, or hereafter to be had, made, done or ſuffered by him the ſaid Proprietary or his Heirs: *Saving* to all and every other Perſon and Perſons, Bodies politick and corporate, their Heirs and Succeſſors, Executors, Adminiſtrators and Aſſigns all ſuch Rights, Titles, Eſtates, Rents, Reverſions, Commons, Profits, Intereſts, Tenures, Claims and Demands whatſoever, of what Nature, Kind or Quality ſoever, of, in and to, or out of the ſaid Lands, Tenements and Hereditaments, or any Part thereof, as they or any of them had or ought to have had before the making of this Act, in as large and ample Manner, Form and Condition to all Intents and Purpoſes, as if this Act had never been made, any thing herein contained to the contrary notwithſtanding.

Provided always, that nothing in this Act contained, ſhall extend to make Patents of any Office to be of any other Effect, than if this Act had never been made; nor ſhall this Act make good any Patent that ſhall be annihilated or made void by due Courſe of Law; nor ſhall any thing herein contained, oblige the Proprietary or his Heirs, to make good to any Purchaſer of a Right or Rights to unlocated Lands, who inadvertently or by Miſinformation, did, or may obtain a Patent or Confirmation of Lands which are diſcovered to be the prior Right of another Perſon, further or any more than the ſame Quantity of Land in the next advantageous Place, that ſuch Purchaſer ſhall chuſe and diſcover to be vacant and free from all other Claims. But where any ſuch prior Right ſhall appear and take Effect againſt any ſuch Perſon or Perſons who have purchaſed the ſame Tract or Parcel of Land of the Proprietary or his Commiſſioners or Agents, by a certain Name, or by any agreed Location in that particular Place, or the Warrants expreſſing the ſame accordingly; then and in ſuch Caſe the Proprietary, his Heirs and Executors, ſhall refund

and

and make good to ſuch ſecond Purchaſer the full Sum or Value, which he, the ſaid Proprietary or his Agents, did receive for the ſame, together with lawful Intereſt, from the Time ſuch Payment was made: And in both the above mentioned Caſes, if the latter Purchaſer, his Heirs or Aſſigns, ſhall have made any Improvements on the ſaid Land, ſuch Improvements ſhall be valued by two or more Perſons to be indifferently choſen by each of the ſaid Claimets or Purchaſers, which both Parties are by this Act obliged to do, and ſuch Value as they or the Majority of them ſhall agree to, under their Hands ſhall be paid by the Claimer of the firſt Right to ſuch Improver for his Improvements accordingly.

And whereas ſeveral Perſons, before the Date of the ſaid late King's Royal Charter, obtained Grants or Patents for more Lands than they had a Right unto, by their Original Warrants or Orders for the ſurveying or laying out the ſame, in which caſe it hath been the Method of the ſaid Proprietary and Commiſſioners, by their Warrants to order Re-ſurveys of thoſe Lands, and allot to the Poſſeſſors thereof, or to the Heirs or Aſſigns of the old Patentees or Grantees ſo many Acres of Land and Meadow or Marſh, as really belonged unto them by Virtue of the ſaid reſpective Original Warrants or Orders, or by the Right of Occupancy or Improvement, and confirm the ſame by new Patents, and diſpoſe the Reſidue as other vacant Lands which had never been ſurveyed. *Nevertheleſs* no effectual Care hath been hitherto taken for vacating or annulling the Record of thoſe old exorbitant Grants, Patents, Surveys or Locations, and for ſecuring the new Patentees againſt the Demands of the old Patentees and Poſſeſſors, or ſuch as claim by, from or under them; *therefore be it enacted* by the Authority aforeſaid, That nothing herein contained ſhall extend to revive, make good or confirm any of the ſaid old Grants or Patents, nor give to the Grantees or Patentees of the ſame, nor their Heirs, Executors or Aſſigns, any Right, Title, Intereſt or Eſtate, of, in, to or for any more or greater Quantity of Lands, Marſh, Meadow or Cripple, than were expreſsly granted, or really intended to be granted, in and by the ſaid Original firſt Warrants or Orders for Survey, to which the old Patents reſpectively relate: But that all and every the ſaid old Grants or Patents, as to the Reſidue or Overplus of the ſaid Lands and Hereditaments contained therein, ſhall be, and are hereby declared to be null and void and of none Effect; and that all and every the Grants, Patents, Conveyances and Aſſurances made or to be made and granted for the ſaid Reſidue or Overplus-Lands, to any Perſon or Perſons whatſoever, and all the Eſtate or Eſtates, Rights, Intereſts, and Poſſeſſions of any Perſon or Perſons, of, in or to the ſaid Overplus-Lands, ſhall, notwithſtanding any of the ſaid old Grants or Patents, be and continue, and are hereby declared to be good and available in Law, againſt the old Patentees, and againſt all others claiming or to claim the ſaid Overplus-Land, or any Part thereof, by, from or under them or any of them, as if the ſaid Lands had never been ſurveyed or located before the Date of the ſaid King's Letters Patents. *Saving always*, to all and every Perſon or Perſons (other than thoſe who will ſet up or inſiſt on any of the ſaid old Grants or Patents, to maintain or make good their Demands or Claims to any more of the ſaid Overplus-Lands, than what they or thoſe under whom they claim, have occupied, built upon or improved) all and every ſuch Right, Title, Intereſt, Uſe, Poſſeſſion, Eſtate, Rents, Reverſion, Commons, Profits and Advantages whatſoever, as he or they, or any of them, ſhould or might have had befor the making of this Act, any thing herein contained to the contrary notwithſtanding.

And Whereas by a late Law of this Province, paſſed in the Year *One Thouſand Seven Hundred*, and confirmed in the Year *One Thouſand Seven Hundred and One*, it was (among other Things) enacted, That any Perſon's Lands in this Province ſhould be re-ſurveyed; and if upon ſuch Re-ſurvey (after Allowance of four Acres in the Hundred, over or under, for Difference of Surveys, and *Six per Cent* for Roads) an Overplus ſhould be found, the Poſſeſſor thereof ſhould have the Refuſal of it from the Proprietary, at reaſonable Rates; and in caſe of Diſagreement about ſuch Rates, the Proprietary was to chooſe two Men, and the Poſſeſſor two more, who ſhould either fix a Price on the ſaid Overplus-Land, or appoint where it ſhould be taken off for the Proprietary in one entire Piece at an Outſide, (ſaving to the Purchaſer or Renter his Improvements and beſt Conveniencies) any three of whom agreeing ſhould be concluſive; and the Charges of Reſurveying ſhould be bore by the Purchaſer or Renter of the main Tract, if he bought the Overplus, or if not then by the Proprietary, and that Deficiencies ſhould be made good by the Proprietary, according as he received for Overplus-Land as aforeſaid.

In Purſuance of which Act, Reſurveys have been made of divers Lands, wherein Overmeaſure was found; but the Act expiring before the ſame could be cut off, or the Rates thereof ſettled as the ſaid Law directed, the Proprietary is not ſatisfied for the Overmeaſure, and the Owners of the Land want Confirmation of what is their juſt due; *Be it therefore Enacted*, That where any Overplus-Land has been found upon the ſaid Re-ſurveys (after Allowances are made for Roads, and Difference of Surveys as aforeſaid] the Proprietary, his Heirs and Aſſigns, and his or their Commiſſioners or Agents, ſhall give the Poſſeſſor or Owner of ſuch Land, the Refuſal thereof at reaſonable Rates; and in caſe of Diſagreement with the ſaid Poſſeſſor about ſuch Rates, then the Proprietary, his Heirs or Aſſigns, or his or their Commiſſioners or Agents, ſhall forthwith chuſe two Men, and the ſaid Poſſeſſor or Owner ſhall at the ſame Time chuſe two more, which Perſons ſo choſen, or any three of them, ſhall within Thirty Days after ſuch Choice, either fix a Price on the ſaid Overplus-Land to be paid by the ſaid Poſſeſſor or Owner, or within the ſame time appoint where it ſhall be taken off for the Proprietary, his Heirs or Aſſigns, in One entire and convenient Piece, at an End or Outſide; ſaving to the ſaid Poſſeſſor or Owner his Improvements and beſt Conveniencies.

But in caſe the ſaid Perſons ſo choſen, as aforeſaid, ſhall refuſe or neglect to fix a Price on the ſaid Overplus, or to cut off the ſame within the time herein before limited, then the Party aggrieved may apply to the Juſtices at the Court of Common Pleas for the County where the Land lies, who are hereby impowered and required to grant their Order in that behalf, to five indifferent and diſintereſted Perſons of the Neighbourhood, requiring them, or any three of them, to perform what the ſaid four Perſons had refuſed or neglected to do,

And be it further Enacted, That where any Overplus ſhall be taken off as aforeſaid, the Proprietary or his Commiſſioners ſhall confirm the Reſidue to the Poſſeſſor or Owner thereof, his Heirs or Aſſigns, ſaving the Rights of all others; But if the Proprietary, or his Commiſſioners or Agents, ſhall refuſe or neglect to appoint two Perſons on his behalf, as aforeſaid, or if after the ſaid Overplus be taken off, ſhall refuſe to confirm the Reſidue to the Poſſeſſor, or Owner thereof, his Heirs or Aſſigns, within ſix Months after ſuch Overplus is taken off, as aforeſaid, and Application made for the ſame by ſuch Owner or Poſſeſſor; then and in every ſuch Caſe all ſuch Poſſeſſors or Owners reſpectively ſhall ſtand, and be ſeized or poſſeſſed of the whole Tract, as if no ſuch Reſurvey had been made.

But if any of the ſaid Poſſeſſors or Owners of Lands ſo re-ſurveyed as aforeſaid, ſhall refuſe or neglect to chuſe two Men in his behalf, then the Perſons ſo as aforeſaid to be choſen by the Proprietary or his Commiſſioners, ſhall within the Time aforeſaid appoint where the Overplus ſhall be taken off, ſaving the Owner's Improvements and beſt Conveniencies, as aforeſaid.

And if the Owner of any ſuch Lands as have been reſurveyed as aforeſaid, doth not reſide in this Province, and no Perſon in the actual Poſſeſſion of thoſe Lands, then and in every ſuch Caſe the Proprietary or his Commiſſioners may appoint two Men of the next Neighbourhood to ſuch Lands, who are hereby impowered to appoint where the Overplus of ſuch Lands ſhall be taken off as aforeſaid, leaving ro every ſuch Owner the full Quantity belonging to him by Purchaſe and Location there, together with the Allowances for Roads and Difference of Surveys, and ſaving the Improvements and Conveniencies as aforeſaid.

And in all Caſes where any ſuch Overplus ſhall be cut, as aforeſaid, in purſuance of this Act, the Proprietary or his Commiſſioners or Agenrs ſhall have full Liberty to diſpoſe of, and grant ſuch Overplus to any Perſon or Perſons, that he or they ſhall think fit; any thing in this Act contained, or in any other Law, to the contrary thereof in any wiſe notwithſtanding.

And if upon the ſaid Reſurveys any Tract hath been found deficient in the Number of Acres for which it was at firſt granted after Allowances made, as aforeſaid, all ſuch Deficiencies ſhall be made good by the Proprietary, his Heirs or Aſſigns, after the ſame Rate he or they ſhall receive for ſuch Overplus-Land in that Neighbourhood.

Provided always, That nothing herein contained ſhall be deemed or conſtrued to be taken off any Overplus Land out of any Tract, the Poſſeſſor or Owner whereof has Right, by his Purchaſe to take up more Land over and above the Quantity ſuch Tract was laid out for.

Provided alſo, That where any Lands have been reſurveyed, and ſuch Allowances for Roads, Barrens and Difference of Surveys, has been made and allowed as aforeſaid, the Poſſeſſor or Owner thereof ſhall not pay any Quitrents for ſuch Allowance.

And be it further Enacted, That for all Lands hereafter to be taken up or ſurveyed in this Province, the Surveyor that lays out the ſame, ſhall allow for Roads and Barrens, after the Rate of Six Acres for every Hundred Acres to the Owner of ſuch Lands, for which ſaid Allowances of Six *per Cent.* no Rents ſhall be paid to the Proprietary, his Heirs or Aſſigns.

AN

ABRIDGMENT

OF THE

LAWS of PENNSYLVANIA,

In Manner of an

INDEX.

ABJURATION OATH.

THE Form of a Recognition for the Effect of the *Abjuration Oath*, allowed to *Quakers*, Vol. 1. p. 99.

ACCESSARIES.

To Capital Crimes made Felony of Death, upon Conviction of the principal Felon, may be proceeded againſt, before ſuch principal is attainted. Vol. 1. p. 68.

Concealers of Robbers or Thieves, or Buyers of ſtolen Goods, upon their Conviction may have the Benefit of the Clergy, ibid. p. 69.

If the principal Robber or Thief cannot be taken: *Nevertheleſs*, The Perſons buying ſtolen Goods may be proſecuted and puniſhed as for a Miſdemeanour. Which Puniſhment ſhall exempt them from being puniſhed as Acceſſaries, if the principal is afterwards taken and convicted. ibid.

Perſons preſent and aiding to the ſtabbing of another, ſhall not be deemed principals but Acceſſaries. ibid. p. 68.

Where any Felony is committed in one County, and Acceſſaries in another, the Indictment againſt ſuch Acceſſaries, ſhall be effectual in Law. ibid. p. 70.

ACKNOWLEDGING of DEEDS.

ACTS about Acknowledging of Deeds, Vol. 1. p. 13. 28. 46. 59. ſee Deeds.

ACTIONS.

See Limitation of Actions.

ADMINISTRATION.

See Letters of Adminiſtration.

ADMINISTRATORS.

Every Adminiſtrator is to make a true Inventory of the perſonal Eſtate and to exhibit the ſame in the *Regiſter Generals Office*, as alſo a true Account of his Adminiſtration, and to pay or deliver the Reſidue of the Eſtate to ſuch Perſons as the *Orphans Court* ſhall direct; and to deliver up his Letter of Adminiſtration, if a Will of the Deceaſed is found and approved. Vol. 1. p. 25. For the Performance whereof, he is to give Bond with at leaſt two Sureties to the *Regiſter General*. ibid.

He is to take Bond with ſufficient Securities from Perſons to whom he payeth their diſtributive Share: with Condition to refund their rateable Part in Caſe any Debts of the Inteſtate ſhall be made appear. ibid. p. 26.

Adminiſtrators ſhall be accountable for what the real and perſonal Eſtate is ſold more than it was appraiſed; ibid. p. 27.

They may ſell and convey the Inteſtates Lands by Order of the *Orphans-Court*, ibid. p. 26. muſt give ten Days Notice before ſuch Sale, p. 27. and return their Proceedings into the next *Orphans-Court*, ibid.

ADMIRALTY-COURTS.

See Appeals.

ADULTERY.

An ACT againſt Adultery and Fornication. Vol. 1. p. 1. Repealed by the Crown. ibid. p. 18.

Perſons convicted of Adultery ſhall for the firſt Offence receive 21 Laſhes and be impriſoned at hard Labour one Year, or be fined *Fifty Pounds*: For the ſecond Offence, the ſame Number of Laſhes and 7 Years Impriſonment, or pay *One Hundred Pounds* Fine, at the Election of the Party offending: And for the third and every Offence after, the ſame Puniſhment and be branded with the Letter. A. Vol. 1. p. 21.

A married Woman bearing a Child after her Husband has been abſent 12 Months next before the Birth of ſuch Child, ſhall be puniſhed as an Adultereſs. ibid. p. 82. but Execution ſhall be ſtayed till 12 Months after Conviction. ibid.

Inceſtuous Adultery to be puniſhed as Adultery by Law, and the Parties fined. ibid. p. 20. ſee Inceſt.

Husbands living in Adultery out of this Province, and not returning within 7 Years after Departure, their Lands ſhall be taken in Execution for Maintenance of their Family. ibid. p. 64.

AFFINITY.

The Table of the Degrees of Affinity, within which all Marriages, Adulteries and Fornications are declared inceſtuous, is Vol. 1. p. 20.

AFFIRMATION.

ACTS allowing Affirmations inſtead of Oath. Vol. 1. p. 46. 56. 61. 98. 149.

Judges, Juries and Witneſſes upon the Trial of all Crimes and Offences and Cauſes whatſoever, except High-Treaſon, may qualify themſelves, either by Oath or by ſolemn Affirmation, which Affirmation ſhall have the full Effect of an Oath. ibid. p 67. 100.

The Form of the *Quakers* Affirmation, ibid. p. 99.

False Affirmation. ſee Perjury.

AGENTS. See Letters of Attorney.

ALE. See Beer.

ALMANAK.

ACTS about the Names of Days and Months. Vol. 1. p. 2. and 47.

The Commencement of the Year ſince the firſt Day of *January* 1752. according to an *Act of Parliament* to be on that Day, and ſo from Year to Year. And all Deeds and other Writings to bear Date accordingly: But Liberty is given to call the Names of the Months in publick Writings, either by their uſual Names or in the Order in which they follow 1ſt. 2d. 3d. &c. Vol. 2. p. 40.

ALMSHOUSE.

In the City of *Philadelphia*, the Ground thereto belonging is conveyed to the Mayor and Commonalty of the ſaid City: and the Reſidue of the ſaid Ground is by them to be granted out on Rent, payable to the Overſeers of the Poor. Vol. 2. p. 26.

AMERCIAMENTS. See Fines.

APPEALS,

To the Supreame Court are allowed, from the Decrees of the *Orphans-Court.* Vol. 1. p. 26. 55.

Perſons aggrieved with the Judgment of the Courts of the General Q. S. or any other Court of Record within this Province, ſhall have their Writ of Error returnable to the Supreame-Court. ibid. p. 84. 85.

Appeals from the final Sentences of the Supream-Court and Admiralities-Court, and from any other Court within this Province to *Great-Britain.* ibid. p. 56. 85. *Charters.* p. 2.

From the Sentence of Juſtices out of Seſſions in Actions of Debt from 40 Shillings to £. 5. Appeals to the Court of C. P. within 6 Days after ſuch Judgment. Vol. 2. p. 10.

In Cauſes concerning Frauds againſt the Exciſe Act, to the Court of Q. S. ibid. p. 69.

From the Aſſeſsments to the County Commiſſioners. Vol. 1. p. 102. & ſeq. Vol. 2. p. 53. 94. &c.

APPRAISEMENT.

Appraiſement of Goods taken in Execution to be made 7 Days before Sale. Vol. 1. p. 3.

Three Appraiſers of all Goods taken in Execution for each County to be appointed by the reſpective County Courts. ibid.

See Adminiſtrators, Inteſtates, Attachments.

ARREST.

No Freeholder, who has reſided in this Province 2 Years, and has an Eſtate in Fee-ſimple, worth £. 50. may be arreſted or detained in Priſon to anſwer in a civil Action, but ſhall be ſummoned. Vol. 1. p. 106.

Nevertheleſs in the Kings Caſe, ibid. and ſeveral other Caſes. p. 107. Freeholders may be arreſted and held to ſpecial Bail

If Freeholders exempted from Arreſt, happen to be taken by Writ of Arreſt, the Court ſhall abate the Writ, and allow the Defendant 30 *s.* Coſt, ibid.

Juſtices, Clerks of Court and Attornies, willfully proceeding on ſuch Arreſt, ſhall be fined at the Supream Court. ibid.

ASSAULT.

(See Menacing, Limitation of Actions.)

ASSEMBLY.

An Aſſembly of Repreſentatives, ſhall be choſen yearly, (See Elections) and ſhall meet on the 14th. of the Month of *October*, and if it be Sunday, then the Day next following, at *Philadelphia*, unleſs, the Governor, and Council appoint another Place in this Province. Vol. 1. p. 28.

Two Thirds of the Repreſentatives met, ſhall have the full Power of an Aſſembly, which Powers and Privileges are enumerated in the Charter, p. 8. 9. Laws Vol. 1. p. 30. 31.

After the Speaker is choſen, all Members ſhall make and ſubſcribe the Declaration of Fidelity and Profeſſion of their Chriſtian Belief. Vol. 1. p. 30. The Forms whereof are preſcribed. ibid. p. 99.

Aſſembly-Mens Wages, 6 *Shill.* per Day, and the Speaker 10 *Shill.* Vol. 1. p. 31. To be paid out of the County-Tax. ibid. p. 101.

An ACT directing the Manner of Payment of Aſſembly-Mens Wages. ibid. p. 133. is expired.

(See Members of Aſſembly)

ASSESSORS.

Six Aſſeſſors for each County to be choſen. Vol. 1. p. 101. See Elections.

Their

Their Duty is to lay Aſſeſſments upon the Inhabitants and their Eſtates. ibid. 102. & ſeq. See Commiſſioners.

ATTACHMENTS.

ACTS about Attachments. Vol. 1. p. 2. 14. 33. 89. Vol. 2. p. 49.

Writs of Attachment may be granted againſt the Goods of any Perſon that is not reſiding within this Province. Vol. 1. p. 34. 91.

Writs of Attachment for a Debt not exceeding £5. may be granted by one Juſtice of the Peace, Oath being firſt made that the Defendant is indebted to the Plaintiff in a Sum not exceeding £5. has been abſconded ſix Days, and has not left a Fee-ſimple Eſtate to pay his Debts. Vol. 2. p. 49.

Writs for greater Debts, muſt be ſued out at the County Courts. Vol. 1. p. 33. An Oath to the like Purpoſe being firſt made, ibid. p. 89.

If in an Attachment not exceeding £5. it ſhall afterwards appear, that the Defendant is indebted to any one Perſon above £5. the Proceedings, ſhall be tranſmitted by the Juſtice into the Court of Common-Pleas. Vol. 2. p. 50.

Proceſs on Attachment under £5. Vol. 2. ibid.

- - - - above £5, Vol. 1. p. 90.

No ſecond Attachment may be granted, whilſt the firſt is undetermined. Vol. 1. p. 90. Vol. 2. p. 50.

If the Defendant within a Year and a Day, ſhall diſprove the Debt recovered by the Plaintiff, his Goods or the Value thereof ſhall be reſtored to him. Vol. 1. p. 34.

Proceſs of Attachment, ſhall iſſue againſt the Eſtate of ſuch Husbands as ſhall go to Sea, leaving their Wife and Children ſo long unprovided for, till they are like to be chargeable: or if ſuch Husbands ſhall live in Adultery and not return within 7 Years next after departing this Province. Vol. 1. p. 64.

ATTESTS.

ACTS about Atteſts of Officers. Vol. 1. p. 3. and p. 42. ſee Oath.

Where the Regiſter-General or his Deputies cannot for Conſcience-ſake adminiſter Oaths, they may employ another Juſtice. Vol. 1. p. 50.

ATTORNIES and AGENTS.

See Letters of Attorney.

Sale of Lands by Attornies, ſee Lands.

ATTORNIES at LAW.

The Juſtices of each Court in this Province, have Power to admit a competent Number of Attornies to practiſe in that Court. Vol. 1. p. 86. their Oath. Vol. 2. p. 49.

The Attornies for the Parties, ſhall file their Warrants of Attorney in the Prothonotaries-Office the ſame Court they appear for their Clients, ibid. p. 87.

(See Arreſt, Fees.)

AWARD.

(See Referrees)

BAIL.

An ACT for bailing of Priſoners and about Impriſonment. Vol. 1. p. 12. Repealed by the Crown, ibid p. 18.

All Perſons bailable except for Felonies of Death. Vol. 1. p. 37.

BAKERS.

Bakers of Biſket and Bolters of Flour, ſhall have a diſtinguiſhable Brand-mark, which they ſhall enter with the Clerk of the Quarter-Seſſions. Vol. 1. p. 11. 134. and therewith brand all and every Cask of Flour and Biſket of their own bolting or baking, ibid. they ſhall with their Bread and Flour deliver a true Invoice thereof, ibid. and ſhall have their Weights and Meaſures tried once in every three Years. ibid. p. 135.

BAKEHOUSES.

The Manner in which Bakehouſes in the City of *Philadelphia* muſt be built, is preſcribed Vol. 1. p. 130.

Perſons exerciſing the Trade of Baker in any Houſe contrary to the ſaid Directions, to be fined. ibid.

BARRATORS.

An ACT againſt Barrators, Vol. 1. p. 3.

BASTARDY.

The Man convicted to be the Father of a Baſtard Child, ſhall give Security for the Maintenance of ſuch Child. Vol. 1. p. 21.

A Woman, that beareth a Baſtard Child in one County, ſhall be puniſhed in that County as if the Child had been begotten there. ibid. p. 21.

(See Servants.)

BATTERY.

See Menacing, Limitation of Actions.

BEEF and PORK.

For Exportation ſhall be ſound and Merchantable Meat, well packed and ſecured with Salt and Pickle; the Cask to be of ſound white Oak tight, the Barrel to contain 31 Gallons and a half Wine Meaſure, branded with the Mark of the Cooper; ſhall before it is ſhipped, be ſubmitted to the View of the Officer, who ſhall open, unpack and repack it, and if found merchantable, brand it with the Arms of the Province. Vol. 1. p. 111. 112.

BEER and ALE.

All Perſons licenſed to ſell Beer and Ale, ſhall ſell the ſame by Wine Meaſure to them, who drink it at their Houſes; and by Beer Meaſure to them, who carry it out of their Houſes. Vol. 1. p. 31.

See Liquors, publick Houſes.

BENEFIT of the CLERGY.

In all caſes, where by the Laws of *Great-Britain*, the Benefit of Clergy is allowed to Criminals, the Criminals in this Province, ſhall have the ſame Benefit without Reading. Vol. 1. p. 69.

Women may have the ſame Benefit, Vol. 1. p. 70.

Perſons

Perſons after being allowed this Benefit, ſhall be committed to the Work houſe for not leſs than 6 Months and not exceeding two Years; and there kept at hard Labour. And if they eſcape and be retaken, they ſhall be recommitted for double Times. ibid. p. 69.

Perſons having once had the ſaid Benefit, being again convicted of any other Felony of Death, ſhall be excluded from this Benefit. ibid. p. 70.

BESTIALITY.

See Inceſt, Sodomy.

BIGAMY.

An ACT againſt Bigamy, Vol. 1. p. 1, was repealed by the Crown, ibid. p. 18.

Whoever ſhall be convicted of having two Wives or two Husbands at a Time, or of having knowingly married the Husband or Wife of another Perſon, ſhall be whipped, and impriſoned during Life at hard Labour. Vol. 1. p. 21.

BILLS of CREDIT.

The ſeveral Acts for iſſuing, continuing, re-emitting, exchanging &c. the Bills of Credit of this Province, Vol. 1. p. 89, 95, 96, 97, 109, 113, 128, 147. are now obſolete.

Anno 1739 the Sum of £80,000 was ſtruck, for to be emitted upon Loan and made current for 16 Years, Vol. 1. p. 149. and further in 1748. the Sum of £10,000, for Exchanging old Bills. Vol. 2. p. 1. The whole Sum of £80,000, continued and re-emitted till *Octob.* 15. 1756. ibid. p. 4, 6. £5000. ſtruck for Exchanging Bills to be current till *Octob.* 15th. 1762. ibid. p. 18. £5000, for Exchanging, ibid. p. 19. and £10,000, alſo for Exchanging, ibid. p. 51. £36,650. by two Acts, ibid. p. 103 and 113. which 2 Acts were repealed by the Crown. Vol. 1. p. 162

The Intereſt ariſing from the Loan of theſe Bills to be diſpoſed of as the Aſſembly ſhall direct, Vol. 1. p. 162. Several particular Uſes, for which the ſaid Intereſt Money, is expended are mentioned, Vol. 1. p. 151. and Vol 2. p. 4.

BILLS *of* CREDIT *ſtruck for the* KINGS *Uſe.*

£5000. Vol. 2. p. 17. ſunk by Exciſe.

£55,000, Vol. 2. p. 53. made current till *January* 1ſt. 1760. and ſunk by Tax.

£30,000, to be current till *Octob.* 1ſt. 1766. and ſunk by Exciſe, ibid. p. 64.

£100,000, by two Acts, ibid. p. 73 and 76. made current till *March* 10th. 1761. ibid. p. 75. 77. ſunk by Tax.

£100,000, to be current till *March* 10th. 1764. ſunk as aforeſaid, ibid p. 83.

£100,000, to be current till *March* 10th. 1767. ſunk as aforeſaid, ibid. p. 92.

All the Bills of Credit of this Province, as to their reſpective Value, ſhall be according to an Act of Parliament 6 *Anne*, for aſcertaining the Rates of Foreign Coins in the Plantations in *America*. Vol. 1. p. 149. Vol. 1. p. 2, 4. 18. 20. 51. 55. 64. 74. 76. 86. 96.

And ſhall be taken at the Rates aſcertained in that Act of Parliament, in all Payments on all Contracts, as if the ſame were tendered in the Coins mentioned in ſuch Contracts. Vol. 1. p. 150. Vol. 2. p. 3. 4. 18. 21. 52 56. 65. 75. 77. 89. 97.

And were formerly ſo taken by the Proprietaries inſtead of Silver Money for Quit-Rents on old Grants. Vol. 1. p. 147. Vol. 2. p. 6.

Bills of Credit to be ſunk or exchanged, ſhall be burnt in the Preſence of the Committees of Aſſembly. Vol. 1. p. 153. Vol. 2. p. 18. 21. 52. 55. 66. 86. 95.

BILLS of EXCHANGE.

Twenty *per Cent* Advance on proteſted Bills of Exchange, to be paid by the Drawer &c. Vol. 1. p. 9.

BIRTHS. See Regiſtry.

BLACKBIRDS.

For the Deſtruction thereof, a Reward of 3d. per Dozen is allowed for killing the ſame. Vol. 1. p. 15.

BLASPHEMY.

And profane Speaking of God and the holy Scripture, incurres a Fine of £10 or three Months Impriſonment at hard Labour. Vol. 1. p. 4.

BOATS and CANOES.

Being adrift and fairly taken up, the Taker up ſhall receive from the Owner thereof as a Reward. 5 *Shill.* for a Boat, and 2 *Shill.* and 6d. for a Canoe. But whoever ſhall take away or ſet adrift a Veſſel, Boat, or Canoe, from any Landing Place, ſhall forfeit double the Value thereof, Vol. 1. p. 1.

BODIES POLITICK.

By Charter, The Mayor and Commonalty of the City of *Philadelphia*, Charters, p. 11. the Burgeſſes Freeholders and Inhabitants of the Borough of *Lancaſter*, ibid. p. 19.

By Law, the Preſident Treaſurer and Aſſiſtants for the Poor of the reſpective Counties, Vol. 1. p. 65. The Preſident Treaſurer and Aſſiſtants of the Borough of *Briſtol*. Vol. 2. p. 14. The Overſeers of the Poor for the ſeveral Townſhips City and Boroughs within this Province. ibid. p. 25. The Contributors to the *Pennſylvania Hoſpital*, ibid. p. 35. and for certain Purpoſes, the Truſtees of the General Loan-Office, Vol. 1. p. 150.

BOLTERS. See Bakers.

BONDS.

All Bonds, Specialties and Notes of Hand for Payment of Money, may be aſſigned under the Hands and Seals of the Aſſignors, who after ſuch Aſſignment made, may not releaſe, and the Aſſignees may recover the Money due thereon. Vol. 1. p. 59.

All Bonds, Specialties, Letters of Attorney, &c. being proved by at leaſt 2 Evidences thereto, before any Chief Magiſtrate, and accordingly certified under the publick Seal of the Place, where the Proof is made ſhall be as ſufficient as if the ſaid Witneſſes had proved the Execution thereof in the Court, where the Matter is depending. Vol. 1. p. 41.

Bonds given by any Officer in this Province, for the due Execution of their Offices, ſhall be for the Uſe of and in Truſt for the Perſons grieved by the Miſfeaſance of ſuch Officer, Vol. 1. p. 43. 55.

BRANDY.

(See Exciſe, *Indians*, Publick-Houſes.)

BREAD.

An ACT for the Aſſize of Bread. Vol. 1. p. 6. was in Force at the Time when this Collection of Laws was under the Preſs, but is ſince altered and ſupplied. Another Act to regulate the Aſſize of Bread, is expired. Vol. 2. p. 40. (See Flour.)

BREWERS.

Or Retailers of Beer, uſing Molaſſes, Sugar, Honey, Foreign Grains, *Guinea* Pepper, or any unwholeſome Ingredients, or taking into their Brewhouſes ſuch Ingredients, and their Servants, and others aiding and aſſiſting in the uſing of ſuch Ingredients, or in carrying the ſame in the Brewhouſe, ſhall forfeit 20 *l.* or ſuffer Three Months Impriſonment. Vol. 1. p. 82.

All *Brewers* and ſuch keepers of Publickhouſes, as brew their own Beer, ſhall become bound to the Governor for the true Performance of the above Directions. ibid.

Brewers before they are admitted or licenſed, ſhall be qualified for the true Performance of the *Brewers* Act. Vol. 1. p. 96.

It ſeems the Collector of the Exciſe for the Time being, is the Officer to put the *Brewers* Act in Execution. ibid.

BRIBERY.

Offering or taking Bribes at the Election of Members of Aſſembly, Sheriffs and Coroners, incurrs a Fine. Vol. 1. p. 28. Vol. 2. p. 43.

BRIDGES.

An ACT for erecting a Bridge over the Creek at *Cheſter*, in the County of *Cheſter*, was paſt *A.* 1700. Vol. 1. p. 12. and repealed by the Crown. ibid. p. 19 but the ſame Bridge, having been built in purſuance of the ſaid Act, ſhall be kept in Repair by the County Commiſſioners: And Perſons paſſing with any Maſt-Veſſel through the ſaid Bridge, ſhall carefully raiſe and lower the ſame. Vol 1. p. 109.

Bridges over all ſmall Creeks, to be built and maintained by Order of the Juſtices of the Quarter Seſſions, the Grand Jury, Commiſſioners and Aſſeſſors, and paid by the Commiſſioners. ib. p. 133.

But where the Creek is the Bounds of 2 Counties, the Bridge ſhall be ordered by the Governor and Council, and paid equally by the reſpective County Treaſurers. ib. p. 8.

No Bridge, Frame or Device ſhall be made over any Navigable Creek or River, whereby its Navigation may be ſtopt or hindered. ibid. p. 109.

Bridges in the King's Road over Mill-Races, cut out before the laying out ſuch Road, to be built and maintained by the County, but if after, then by the Owners of ſuch Mill-Races. ibid. p. 8.

BRISTOL.

Charter of the Burough of *Briſtol*. Ch. p. 16. Power is given to raiſe Money on the Inhabitants for building a Houſe of Correction in *Briſtol*. Vol. 1. p. 65. Vol. 2. p. 12 & ſeq. The Courts of General Quarter Seſſions of the Peace and Common Pleas for the County of *Bucks*, and the Elections of Repreſentatives in Aſſembly, and other Officers for the ſaid County, formerly held at *Briſtol*, are now to be held at *New-Town*. Vol. 1. p. 100.

BUGGERY. (See Sodomy.)

BURGLARY.

Is the breaking and entering into a Dwelling-Houſe of another in the Night-Time, with an intent to commit ſome Felony: and is made Death without Clergy. Vol. 1. p. 68.

An *Act againſt breaking into Houſes.* Vol 1. p. 1. Rep. by the Crown ibid. p 18 Another *ACT againſt Burglary* was paſt A. 1705. the Title whereof ſee Vol. 1. p. 19. Since the paſſing of the *ACT for the Advancement of Juſtice*, &c. the Editors of the Editions of our Laws of A. 1728. and 1742. ſay that the ſaid *ACT againſt Burglary* is ſupplied by the ſaid *ACT for the Advancement of Juſtice*, &c. No doubt for what concerns *Burglary* or Houſe-breaking in the Night-time. But as to *Houſe-breaking in the Day-time*; particular Puniſhments are directed by the firſt mentioned Act, in the Words following, *viz.*

" *THAT* whoſoever ſhall break into any Man-
" ſion Houſe, whether Inſet or Outſet, Edifices
" or Buildings within this Province, with intent to
" commit Felony, ſhall be publickly whipt with
" 21 Stripes on his or her bare Back, well laid on,
" and ſuffer 6 Months Impriſonment at hard La-
" bour, and ſhall moreover make fourfold Satis-
" faction, for what he, or ſhe ſhalll be proved to
" have taken out of the ſaid Manſion Houſe, or
" Building; and if unable, to make Satisfaction by
" Servitude for the ſame, as the Court ſhall adjudge.
" *AND* if ſuch Offence ſhall be committed in the
" Night-time, *&c.*

BURIALS. (See Regiſtry.)

BURNING HOUSES, &c.

Maliciouſly and voluntarily burning the Dwelling-Houſe, Barn, Stable or Out-Houſe of another, having Corn or Hay therein is Death. Vol. p 68.

An ACT againſt firing of Houſes, &c. Vol. 1. p. 1. Repealed by the Crown. ib. p. 18. *And another ACT againſt burning of Houſes*, was paſſed. A. 1705. the Title whereof, ſee Vol. 1. p. 22. It is alſo ſaid in our former Editions, that this Act is ſupplied by the aforeſaid *ACT, for the Advancement of Juſtice*, &c. Whether it be or not, may appear by the following Abſtract thereof

" *THAT*, whoſoever ſhall be convicted of wil-
" fully burning any Man's Houſe, Warehouſe,
" Out Houſe, Barn or Stable, ſhall forfeit his or
" her whole Eſtate to the Party ſuffering, and be
" impriſoned all their Lives in the Houſe of Cor-
" rection at hard Labour, to the behoof of the
" ſaid Party ſuffering: *AND*, whoſoever ſhall be
" convicted of maliciouſly and voluntarily firing
" any Stacks or Ricks of Corn, Hay, Wood
" or Fence, or any Veſſel, Boat or Canoe, ſhall
" make fourfold Satisfaction to the Party wrong-
" ed, and ſuffer Impriſonment at hard Labour
" to the uſe of the Poor, as long as the Court
" ſhall think fit. *AND* if the Party offending be
" unable to make ſuch Satisfaction, then he or ſhe

ſhall

" ſhall make Reſtitution by Servitude, as the " Court ſhall think Reaſonable.

CANOES. (See Boats.)

CASK.

The Quality and Contents of tight Cask. Vol. 1. p. 11.
Of Flour Cask. ibid. & p. 134.
The Dimenſions of Tobacco Hogsheads and Price thereof. ibid p. 11.

[See Gauging.]

Challenger — H.

CHARTERS.

A Collection of *Charters* for the Province in general and the ſeveral Town Corporations in the ſame is put on the Head of this new Edition.
By the Royal *Charter* Power is given to the Proprietary by his *Charters*, to erect and incorporate Towns, Boroughs and Cities. *Charters*, p. 3.
Two Proprietaries *Charters* for the Inhabitants of the Province, have been ſurrendered, and another *Charter* called the *Charter* of *Privileges*, ſubſtituted. *Ch.* p. 8. Appendix. p. 14.
The Charter of the Borough of *Cheſter*, may not be forfeited for non uſing. ibid. p. 16.
The Charter of the Town of *Germantown* is not uſed ibid. p. 10.
The Powers, Privileges, Juriſdiction and Franchiſes granted to the *Mayor*, *Recorder*, and *Aldermen* of the City of *Philadelphia* by Charter, are confirmed to them by Law. Vol. 1. p. 84. Alſo in particular the Fines. ibid. p. 46. 72.

CLERGY.

(See Benefit of Clergy.)

COIN.

An ACT appointing the Rates of Money or Coin within this Province, &c. Vol. 1. p. 9. Repealed by the Crown.
An ACT for the better proportioning the Rates of Money, &c. ibid. p. 44. Repealed by the Crown. ibid. p. 45.
An ACT for aſcertaining the Rates of Money, &c. ibid. p. 45. Repealed by the Crown. ibid. p. 51.

COLLECTORS.

Of the County Tax, their Duty is preſcribed Vol. 1. p. 103. & ſeq.
On Neglect thereof, they ſhall be fined, and their Bodies as well as their Real and Perſonal Eſtates, may be taken in Execution for the Arrearages of County Levies, ibid. p 104.
The ſame Proceedings are directed againſt County Treaſurers of the Provincial Tax. Vol. 2. p. 55.

COMMISSIONERS and ASSESSORS.

Three Commiſſioners ſhall be in each County, and the eldeſt of them ſhall by yearly Elections, be changed. Vol. 1. p. 101. So that no Commiſſioner ſhall continue longer than Three Years ibid. p. 133. The one Perſon elected for Commiſſioner and 6 for Aſſeſſors, ſhall be returned by the Sheriff into the Court of Q. S. ibid. p. 101, but if the Inhabitants neglect to chuſe Commiſſioners and Aſſeſſors, then the old ones ſhall continue. ibid. p. 101.
The Commiſſioners and Aſſeſſors Qualifications. ib. p. 101. Vol. 2. p. 54. 93. & 95. Their Duty is to aſſeſs the publik Debts and Charges of the reſpective Counties. Vol. 1. p. 101.
The Commiſſioners ſhall for levying County Rates, iſſue their Precepts to the Conſtables, ibid. p. 102. but for raiſing the provincial Tax, to the Aſſeſſors of the ſeveral Townſhips. Vol. 2. p. 93. to bring to the County Aſſeſſors a Liſt of all Taxables, in their Townſhips, with an Account of their Eſtates.
The Commiſſioners and Aſſeſſors, ſhall ſit on the Appeals of the Inhabitants, and determine the ſame. Vol. 1. p. 103. Vol. 2. p. 94.
The Commiſſioners, Aſſeſſors and Treaſurers, ſhall yearly exhibit their Accounts of the County Rates in the Courts of Q. S. before the Juſtices and Grand-Jury. Vol. 1. p. 133. but of the Provincial Taxes, make Return to the Aſſembly. Vol. 2, p. 85. 94.
Provincial Commiſſioners appointed for diſpoſing, with the Conſent of the Governor, of the Monies granted to the King's Uſe. Vol. 2. p. 57. 65. 75. 88. 97.
Commiſſioners appointed for *Indian Affairs*. Vol. 2. p. 80.
Commiſſioners for diſpoſing of the Money, ariſing by the Duty of Tonnage. Vol. 2. p. 91. 102.
An ACT for confirming the Elections of the Commiſſioners and Aſſeſſors for the County of *Bucks*. Vol. 1. p. 141. is obſolete.

CONFIRMATIONS of ACTS of ASSEMBLY.

Vol. 1. p. 52. 74. 158. 159. 160. 161.

CONSANGUINITY.

The Table of Degrees of Conſanguinity, within which all Marriages, Adulteries and Fornications are declared to be Inceſtuous, is Vol. 1. p. 20.

CONSTABLES.

Shall on *Sundays* ſearch publick Houſes and Places, ſuſpected to entertain Tiplers, and when found, to receive their Fine for the Poor, to diſperſe them quietly, and on their Refuſal, to bring them before the next Juſtice of the Peace. Vol. 1. p. 20.
Shall bring to the County Aſſeſſors a Liſt of all Taxables, with an Account of their Eſtates. ibid. p. 102.
Shall return in the Q. S. the Names, and Places of abode of all Perſons retailing Liquors, liable to pay the Duties of Exciſe. Vol. 2. p. 70.
Conſtables of the City of *Philadelphia*, ſhall by Turns keep Watch and Ward in the ſaid City. ibid. p. 58.

CONVICTS.

An ACT for impoſing a Duty on Perſons convicted of heinious Crimes, and imported into this Province. Vol. 1. p. 81. And an ACT laying a Duty on Foreigners and Iriſh Servants imported into this Province, ibid. p. 117. were repealed by Act of Aſſembly. ibid. p. 123.
The Duty upon Convicts imported into this Province, is £5. per Head, to be paid, and £50. Security for their good Behaviour, during one Year, to be given by the Importer, before Landing ſuch Convicts. Vol. 1. p. 121. under the Penalty of £20. ibid. p. 122.
The Officer for putting the Convicts Act in Execution, to be appointed by the *Mayor*, *Recorder*, and *Aldermen*

dermen of the City of *Philadelphia*, and to remain in that Office untill the Aſſembly appoints another. ibid. p. 147.

An ACT impoſing a Duty on Perſons convicted, *&c.* Vol. 1. p. 154. Repealed by the Crown. ibid. p. 159.

See Vol. 2. p. 18. 25. and 35.

COOPERS.

Shall have a diſtinguiſhable Brand mark, for Branding every tight Barrel and Half-barrel for Beef and Pork: Which Brand mark together with his Name and Place of abode, he ſhall enter with the Officer. Vol. 1. p. 11. and 111.

The Manner, in which Coopers-ſhops ſhall be built in the City of *Philadelphia*, is preſcribed Vol. 1. p. 130.

CORONERS. See Sheriffs,

COSTS. (See Damages)

COUNTERFEITING.

The Hand or Seal of another, with an Intent to defraud him, puniſhed with 3 Months Impriſonment at hard Labour, and treble the Value of the Sum, he has attempted to defraud. Vol. 1. p. 36.

The Privy, or Broad-Seal, of this Province, is 7 Years Impriſonment, and a Fine. ibid.

The Officers Mark, for branding flour Cask, a Fine and Pillory. ibid. p. 136.

The Bills of Credit of this Province, is Felony of Death, without Clergy. Vol. 1. p. 153. Vol. 2. p. 3. 21. 53. 57. 66. But altering the ſame, by increaſing the Value thereof, corporal Puniſhment and Fine. Vol. 1. p. 154. Vol. 2. p. 3. 21. 53. 57. 66.

COUNTIES.

The Proprietary by the King's Grant, was impowered to divide the whole Province into Counties. *Charter*, p. 3.

The Counties of *Philadelphia*, *Bucks* and *Cheſter*, were erected at the firſt Settling of the Province, in 1682. and ſince that Time named in our old Laws.

An ACT for corroborating the circular Line between the Counties of *Cheſter* and *New-Caſtle*, Vol. 1. p. 57. Repealed by the Crown, ibid. p. 74.

And of late, five other Counties have been erected by Law, *viz.*

Lancaſter,	Vol. 1.	p. 115.
York,	Vol. 2.	p. 23.
Cumberland,	ibid.	p. 27.
Berks,	ibid.	p. 36.
Northampton,	ibid.	p. 38.

An ACT for aſcertaining the Boundary Line between the Counties of *York* and *Cumberland*, ibid. p. 32.

COUNTY LEVIES.

[See Tax.]

COUNTY SEALS.

An ACT for County Seals *&c.* Vol. 1. p. 2. Rep. by the Crown. ibid. p. 18.

There ſhall be a County-Seal in every County, for the Uſe of the reſpective Counties, ibid. p. 36.

The County-Seal may be uſed for Paſſes out of this Province. ibid. p. 33.

COURTS.

The Eſtabliſhing of all Courts of *Judicature* within this Province, is granted to the Proprietary by *Charter*: Ch. p. 2.

Courts of General Quarter-Seſſions of the Peace and *Goal-Delivery*, to be held four Times in the Year for certain, for the ſeveral Counties of this Province. Vol. 1. p. 83.

And private Seſſions, when and as often as Occaſion ſhall require, ibid.

By at leaſt three of the Juſtices commiſſionated by the Governor. ibid.

Any of whom has Power in or out of Seſſions, to take all Manner of *Recognizances*. ibid.

(See Recognizances.)

The County Court of Common-Pleas, to be held four Times in the ſeveral Counties. ibid. p. 86.

By at leaſt three of the Juſtices thereof. Who are impowered to hear and determine all Pleas Actions, Suits, and Cauſes, Civil, perſonal, real and mixed. ibid.

And ſhall grant to Defendants, intending to depart out of this Province, Special Courts, ibid.

The Mayors-Court (See *Philadelphia*)

The Orphans-Court, (See Orphans)

The Supream-Court, [See Supream]

An ACT for eſtabliſhing Courts of Judicature, was paſſed, *A.* 1701. Vol. 1. p. 14. and Repealed by the Crown. ibid. p. 18. Re-enacted *A.* 1710. Vol. 1. p. 46. and again Repealed, ibid. p. 51. *A.* 1714. ſeveral Acts for eſtabliſhing the Courts of General Q. S. Vol. 1. p. 56. for erecting a Supream or Provincial Court of Law and Equity. An ACT for eſtabliſhing the ſeveral Courts of Common-Pleas and an ACT for the better aſcertaining the Practice of the Courts of Judicature in this Province. ibid. p. 57. The ſaid 4 ſeveral Acts were Repealed by the Crown. ibid. p. 74. *A.* 1715. *An Act* for Reviving of Actions and Proceſs, lately depending in the Courts of the County of *Cheſter*, and for Supplying other Defects relating to Proceedings at Law in all the Courts of Common-Pleas. ibid. p. 62. is obſolete. And an Act for eſtabliſhing Courts of Judicature in this Province, paſſed 1727. Vol. 1. p. 113. was alſo Repealed by the Crown. ibid. p. 132. Whereupon in *A.* 1731. An ACT was paſt for reviving and continuing the Proceedings of the Courts of Judicature within this Province. Vol. 1. p. 132. *A.* 1759. was paſſed a Supplement to the Act, *intituled*, an Act for eſtabliſhing Courts of Judicature in this Province. Vol. 2. p. 115. and Repealed by the Crown. Vol. 1. p. 162.

Forty Shillings Court, or *Two Weeks Court*, formerly held in the City of *Philadelphia*, by the Magiſtrates thereof is aboliſhed. Vol. 1. p. 61.

An ACT againſt ſpeaking in Derogation of Courts, Vol. 1. p. 3. Repealed by the Crown ibid. p. 18.

COURT-HOUSES.

The Charges of Building and Repairing Court-Houſes, ſhall be paid out of the County Tax. Vol. 1. p. 101.

An Act for the Sale of the Court-Houſe and Priſon in the County of *Cheſter*, Vol. 1. p. 16.

An Act for ſelling the old Court-Houſe *&c.* in *Bucks*. And an Act to convey *&c.* unto *Ralph Fiſhbourne*, the old Court-houſe in *Cheſter*, ibid. p. 97. An

Act

Act for lending £ 300. *&c.* for building a Court-Houſe in *Lancaſter*, ibid. p. 119. A Court-Houſe for the County of *Bucks*, to be built in *New Town*, Vol. 1. p. 100. for the County of *York*, Vol. 2 p. 24. for the County of *Cumberland*, ibid. p. 28. for the County of *Berks*, ibid. p 37. and for the County of *Northampton*, ibid. p. 39.

CRIMINALS.

Shall have learned Counſel aſſigned, and Proceſs to compell Witneſſes to appear for them upon their Trial. Vol. 1. p. 67.

Standing mute, or not anſwering directly, or challenging above 20 of the Jury returned, ſhall ſuffer as Felons Convict: and if their Crimes appear to the Juſtices, to be ſuch for which the Benefit of Clergy is taken away, they ſhall looſe that Benefit. ibid.

The Real and perſonal Eſtate of a Criminal, forfeited by Judgment of Attainder or Outlawry, after his juſt Debts and Charges of Main enance in Priſon deducted, ſhall go one half to the Governor, and the other half to the Criminals Wife and Children equally: If he leaveth no Wife or Children, then to the next of his Kindred, to be claimed within three Years, otherwiſe to go to the Governor, ibid. p. 69.

Criminals may be arreſted, or their Goods attached, to anſwer the Suits of their Creditors. ibid.

CROWS.

For the Deſtruction thereof, a Reward of 3d. *per Head.* is granted to the Perſon that kills the ſame. Vol. 1. p. 15. Such Crows to be brought not leſs than 6 at one Time to the next Juſtice of Peace, who is to ſee their Bills cut off, and to give an Order for the Reward. ibid. p. 102.

CURSING.

A Fine of 5 *Shill.* for the firſt and of 10 *Shill.* for the ſecond Offence impoſed upon Curſing or Swearing: or, if Perſons upwards of 16 Years 5 or 10 Days Impriſonment in the Houſe of Correction at hard Labour by Bread and Water, and if under the Age of 16 Years to be whipped. Vol. 2. p. 16. ſee Vol. 1. p. 4.

DAMAGES.

To the Party grieved, to be paid by the Maſters of Veſſels tranſporting out of this Province, Perſons that have no Paſſes. Vol. 1 p. 33. double Damages to be paid by the Sheriff on neglecting of Summoning Juries. ibid. p. 13. double Damage for falſe Impriſonment or Proſecution. ibid. p. 62.

In Actions of ſlanderous Words, if the Jury finds under 40 *S.* Damages, the Coſt ſhall be the ſame as the Damages amount to. ibid. p. 53.

In Actions for firing of Woods, if the Jury doth not aſſeſs above 40 *Shill.* Damages, the Plaintiff ſhall have no Coſts. ibid. p. 142.

Enquiry of Damages, may be ordered by the Court to the Jury that attends the Court, in order to ſave the Coſts of Writs of Enquiry. ibid. p. 86.

DEBTS.

On Complaint for *Debts under Forty Shillings*, any Juſtice may iſſue his Warrant, hear and forthwith finally determine the Matter. Vol. 1. p. 61. and no Court ſhall have Cognizance of ſuch Debts or Demands. ibid.

An Act for determing of Debts under 40 *Shill.* Vol. 1. p 3. Rep. by the Crown. ibid. p. 18. Re-enacted ibid. p. 22. and ſince rep. by Act of Aſſembly ibid. p. 62. An Act about Attachments under 40 *Shill.* ibid. p. 14. Rep. by Act of Aſſembly. Vol. 2. p. 51.

Several Acts for the more ſpeedy and eaſy Recovery of ſmall Debts, Vol. 1. p. 144. 149. and 154. are expired and ſupplied.

Debts from forty Shillings to five Pounds are alſo cognizable before any one Juſtice of the Peace, who may either give Judgment, or at the Requeſt of the Parties, refer the Matter to Auditors. Vol. 2. p. 9. Appeals are allowed to the Court of C. P. from the Judgment of ſuch Juſtice, but not from his Determination on the Return of Auditors. ibid. p. 10. No Suits for Debts or Demands not exceeding £ 5. ſhall be commenced in any Court, or elſe the Plaintiff ſhall recover no Coſts. ibid.

Debts of Perſons deceaſed, ſhall be paid by the Executors or Adminiſtrators in a certain ſettled Order: But 12 Months after the Deceaſe of the Teſtator or Inteſtate, without regard to the Priority of the ſame. Vol. 1. p. 25.

Debts of Criminals may be recovered of them in the uſual Manner. ibid. p 62.

For the Payment of Debts, the Lands of the Debtor may be taken in Execution. See Lands.

The *Dower* of the Wife may be ſold for the Debts of the Husband deceaſed. ibid. p. 27.

An Act for Priority of Payment to the Inhabitants of this Government. ibid. p. 6. Repealed by the Crown. ibid. p. 18. Re-enacted. ibid. p. 47. and again Repealed. p. 51.

(See Inſolvents.)

DECLARATION of FIDELITY.

The Form of Declaration of Fidelity to be made and ſubſcribed by Quakers. Vol. 1. p. 99.

DEEDS.

Bargains and Sales, Deeds, and Conveyances, of Lands may be recorded in the ſeveral Offices, (See Recording.) after the ſame are acknowledged by the Grantor, or by one of the Grantors if more, or proved, if executed in this Province, by at leaſt two of the Evidences preſent at the Execution thereof, before one of the Juſtices of the Peace of the County, or City where the Lands lie: Or if ſuch Deeds are executed out of this Province, then proved by one or more of the Evidences, before one, or more of the Juſtices of the ſaid Province, or before any Chief Magiſtrate of the Place, where ſuch Deeds are executed and accordingly certified, under the Publick Seal of ſuch Place. Vol. 1. p. 59. 60.

Deeds ſo made and Copies thereof, ſhall be as good as Deeds of Feoffment, with Livery and Seiſin, or Deeds inrolled at *Weſtminſter*, are in *Great-Britain.* ib p. 60.

The Words Grant, Bargain, Sell, in Deeds *ſo Recorded*, ſhall imply the ſeveral Covenants: That the Grantor was ſeized, *&c.* that he has not incumbered, *&c.* and for quiet Enjoyment. ib.

Alſo

Alſo in the Mortgage Deeds to the Truſtees of the General Loan-Office. ib. p. 152.

Deeds of delinquent Collectors, of the County Tax, made after the Time they ſhould have paid in the County Levies, are declared to be fraudulent. ib. p. 104.

All Deeds, Grants, Conveyances, *&c.* for Lands made before the Year 1705. and defective in the Form, are declared good: Saving to all Perſons, except the Grantors, *&c.* the Right to purſue their Claim before *Octob.* 1ſt. 1710. Vol. 1. p. 23.

(See Acknowledging, Recording, Forging, Lands.)

DEER See Hunting.

DEFALCATION.

An Act about Defalcation. Vol. 1. p. 3. Rep. by the Crown. ib. p. 18.

Defalcation is when the Defendant in an Action of Debt, ſets his Demand againſt the Plaintiffs Action, to have it deducted out of the Sum for which he is ſued. If it ſhall appear to the Jury, that the Defendant has paid either in full or in Part, the Sum demanded, or that he has overpaid the ſame, Judgment ſhall be given accordingly. Vol. 1. p. 36.

DEFAMATION. (See Sedition.)

DEPARTERS.

An ACT about Departers out of this Province. Vol. 1. p. 9. Rep. by the Crown. ib. p. 18.

Perſons intending to leave this Province, ſhall publiſh their Intentions under the Hand of a Juſtice, affixed on the Court-Houſe Door 30 Days before Departure, and ſhall have a Paſs under the Province or County Seal. Vol. 1. p. 33.

DEVISES of LANDS.

An ACT confirming Deviſes of Lands and Validity of nuncupative Wills. Vol. 1. p. 4. Repealed by the Crown. ibid p. 18. The ſame Act is printed Appendix. p. 12.

An Act for the Relief of the Heirs Deviſees, &c. of Perſons who have died unnaturalized. Vol. 2. p. 109. Rep. by the Crown. Vol. 1. p. 162.

(See Lands)

DISCENT of LANDS.

An Act for aſcertaining the Diſcent of Land and better diſpoſition of the Eſtates of Perſons inteſtate. Vol. 1. p. 3. Rep. by the Crown. ib. p. 18. The ſame Act is printed in App. p. 11. (Vol. 2. p. 109.)

See Inteſtates real Eſtate.

DIVORCE.

The Governor is impowered to grant a Divorce from the Bonds of Matrimony, in caſe the Marriage is *inceſtuous.* Vol. 1. p. 20. And in caſe of *Adultery*, or *Bigamy*, if the injured Party ſhall require ſuch Divorce within one Year after Conviction, ibid. p. 21. & 22.

DOWER.

A Widow ſhall hold her Dower, as Tenants in Dower do in *England*, Vol. 1. p. 27. And the Lands ſhe is to hold ſo, may not be ſold but for Payment of the Debts of the deceaſed. ibid.

DRUNKENNESS.

An ACT againſt Drunkenneſs and Healths-drinking Vol. 1. p. 12. Rep. by the Crown. ibid. p 18.

Perſons convicted of Drunkenneſs, or of provoking others to Drunkenneſs to be fined or impriſoned. Vol. 1. p. 22. Publick Houſe-Keepers ſuffering Drunkenneſs, to be fined and ſuppreſſed. ibid. p. 46.

DUELLING.

Is the Fighting upon Challenge at any dangerous or deſtructive Weapons: and he that ſo challengeth, as well as he, who accepts of ſuch Challenge, ſhall forfeit £20. or ſuffer three Months Impriſonment at hard Labour. Vol. 1. p. 4.

ELECTIONS.

The firſt Regulation of the Election of Repreſentatives in Aſſembly, Sheriffs and Coroners was made by the Proprietarys Charter, p. 8. & ſeq.

An Act to aſcertain the Number of Members of Aſſembly and to regulate Elections. Vol. 1. p. 2. Rep. by the Crown. ib. p. 18.

The Elections of *Members of Aſſembly*, in all the Counties of this Province, is to be on the 1ſt. Day of *October*, in every Year for ever, but if it be *Sunday*, then on the Day next following, at or near the Place where the reſpective County Courts are kept. Vol. 1. p. 28. 101. 116. Vol. 2. p. 23. 28. 36. 38.

No Perſons have right of electing and being elected, but natural-born Subjects, or naturalized, of the Age of 21. Years or upwards, having been reſident in this Province 2 Years or upwards, and having, if in the Country, a Freehold of 50 Acres of Land, 12 thereof cleared, and if in the City of *Philadelphia*, either a Freehold Eſtate or a clear perſonal Eſtate worth £50. Vol. 1. p. 28.

The Judges of the Elections are the Sheriff or his Deputy, or the Coroner or his Deputy, or for want of them, any two Freeholders appointed by the Majority of the Electors then preſent. ibid.

The Method of the Elections is preſcribed. Vol. 1. p. 28. & ſeq. Vol. 2. p. 8. & ſeq.

Elections ſhall not be adjourned, but continued from Day to Day at the ſame Place where they begin, till the Electors preſent ſhall be polled. Vol. 1. p. 29.

If any Member ſo choſen ſhall die &c. a new Election ſhall be made by Writ, to be iſſued by the Governors Secretary on the Speakers Order, or by the Speaker himſelf to the Sheriff of the County where there is Occaſion for ſuch Election. ib.

Of ſuch Elections the Sheriff ſhall give at leaſt two Days Notice and proceed to the Election within 5 Days after Receipt of the Writ. ib.

On the ſame Day and Places of the Election of Members of Aſſembly ſhall be *the Elections of Sheriffs, Coroners, Commiſſioners and Aſſeſſors* of the reſpective Counties. Vol. 1. p. 101.

An Act for confirming the Election of the Commiſſioners and Aſſeſſors in Bucks. Vol. 1. p. 141. is obſolete.

Election of *Inſpectors* of the Elections. See Inſpectors.

A Supplementary Act to the Act for Aſcertaining the Number of Members of Aſſembly and to regulate Elections. Vol. 1. p. 113. Rep. by Act of Aſſembly

Vol. 2. p. 9. Another Supplement to the ſame Act. Vol. 1. p. 148. And An Act for continuing and amending the ſaid Supplement. ibid. p. 154. with ſome Amendments are perpetuated. Vol. 2. p. 7.

ENTRY. (See forcible Entry)

ESCHEATS.

Lands of Inteſtates leaving no known Kindred, ſhall eſcheat to the Proprietary: But if the Heir at Law appear within 21. Years after the Inteſtates deceaſe, he may recover the Lands ſo eſcheated. Vol. 1. p. 27.
(See Criminals)

ESTREATS.

All Fines Iſſues, Ametciaments, forfeited Recognizances &c. ſet or loſt in the Supream-Court, or in any of the Courts, or before any ſpecial Commiſſioners of Oyer and Terminer, in any County of this Province, and all Fines ſet or loſt in the Seſſions of the Peace for any City or Town corporated in the ſame, ſhall be yearly eſtreated into the Supream-Court by the Juſtices, Prothonotaries and Clerks of the ſaid Courts reſpectively, and a Duplicate thereof ſhall be delivered to the Sheriff of the ſaid County, City or Town, Vol 1. p. 57. & ſeq. 84.

EVIDENCE.

Three Acts about the Manner of giving Evidence &c. Vol. 1. p. 13. 43. & 50. Repealed by the Crown. ibid. p. 18. 45. & 52. (See Witneſs).

EXCHANGE.

(See Bills of Exchange)

EXCISE.

The Titles of 19 Exciſe Acts. Vol. 1. p. 12. 44. 47. 51. 56. 62. (Repealed by the Crown, ibid. p. 74) 63. 75. 81. 95. 97. 111. 121. 136. 146. Vol. 2. p 1. all which Acts are expired.

An Exciſe of 4d. per Gallon, laid on all Rum, Brandy and other Spirits ſold under 70 Gallons, and all Wine ſold under the Quantity of one Hogſhead. Vol. 2. p. 66. deducting 15 *per Cent* for Leakage, and no Duties at all to be paid for Cask burſt. ibid. 68.

EXECUTIONS.

Goods taken in Execution to be firſt appraiſed by the County Appraiſers, and 7 Days after ſuch Appraiſement may be ſold openly: and if they will not ſell as they are appraiſed, the Creditor ſhall receive them for Pay according to Valuation. Vol. 1. p. 3.

Lands may be taken in Execution for Payment of Debts. ſee Lands.

Where Impriſonment is Part of the Puniſhment, Execution may be awarded againſt Perſons impriſoned, for levying ſo much on their Eſtates, as is againſt them recovered. Vol. 1. p. 71.

FALSE IMPRISONMENT.

The Defendant ſhall recover double Damages againſt the informer or Proſecutor. Vol. 1. p. 37.

The Law about falſe Impriſonment. Vol. 1. p. 13. Rep. by the Crown. ibid. p. 18.

FALSE NEWS.

(See Sedition.)

FEES.

ACTS regulating Fees. Vol. 1. p. 13. 46. 62 & 95. are ſupplied.

The Fees of the Keeper of the Great-Seal. Vol. 2. p. 43. of the Maſter of the Rolls. ibid. 44. of the Juſtices of the Supream-Court, ibid. of the Governors Secretary, ibid. of the Proprietaries Secretary, ibid. of the Attorney General, ibid. of the Sheriffs, ibid. of the Coroners. p. 45. of the Juſtices of the Peace ibid. of the Orphans Court, ibid. of the Clerk of the Supream-Court, ibid. of the G. Q. S, p. 46, of the C. P. ibid. of the Orph. C. ibid. of the Regiſter-General, p. 47. of Attornies at Law. ibid. of the Conſtables ibid. of the Juries, ibid. of the Cryer of the Court, ibid. of the Surveyors of Lands, ibid. of the Collector of the Cuſtoms, Naval Officer and Comptrolleur, p. 48. of the Notaries Publick. ibid. of the Judge of the Admiralty Court. ibid. of the Regiſter and Marſhall of thar Court. ibid.

The Fees to the Judges and other Officers in the Supream-Court, in capital Cauſes, to be double to what they are in the Q. S. Vol. 1. p. 85. The Fees in a ſpecial Court of C. P. ſhall be as uſual ibid. p. 86.

The *Governor's* Fees for Licences, and the *Secretary's* for the ſame. Vol. 1. p. 46.

The *Clerks of the Aſſembly* for Recording every Members Declaration of Fidelity &c. Vol. 1. p. 30.

The *Receiver General's*, for entring every Alienation of Land. Vol. 1. p. 33.

The *Regiſter-Generals* Fees on extraordinary Occaſions, to be ſet by the Orphans Court. ibid. p. 54. for a Copy of an Adminiſtration Bond. ibid. p. 56.

The *Sheriffs* Priſon Fees for Runaway Servants ib. p. 5.

The *Clerks of the Peace* for Brewers Recognizances, and for the Recommendation and Recognizance of Retailers of Beer and Ale. ib. p. 82.

The *Officers* for adjuſting and Sealing *Weights and Meaſures*. Vol. 1. p. 10.

The Officers for *viewing Beef and Pork*. ib. p. 111. 112.

The Officers of the *Convicts Act*. ib. p. 123.

The County *Appraiſers*. Vol. 1. p. 3.

The *Regulators* of Buildings. ib. p. 76.

Tables of Court Fees ſhall be ſet up in the Courts, and the Fees of other Officers in their reſpective Offices, Vol 2. p. 49.

FELLING TREES.

(See Landmarks, Timber)

FEME SOLE TRADER.

Is a married Woman, whoſe Husband is gone to Sea, leaving her to work for her Livelihood at any Trade. Vol. 1. p. 63.

Such Wives are enabled to ſue and to be ſued without their Husbands for Debts contracted by ſuch Wife; and unleſs it be for Maintenance of herſelf and Children, Execution ſhall be awarded againſt the ſeparate Goods of the Wife. ib. p. 64.

FENCES,

FENCES.

In the Country ſhall be made of ſufficient Log, or Rail Vol. 1. p. 7. at leaſt 4 Feet and an half high, cloſe to the Bottom, or the diſtance from the Ground not to exceed 9 Inches. ib. p. 115. The Charges of Partition Fences ſhall be bore by both Parties. ib p. 7. Viewers of Fences ſhall be appointed by the County Court. ib. Which Viewers ſhall be the ſole Judges of the ſufficiency of Fences, and of all Differences about Fences. ib. p. 8.

Partition Fences in the City of Philadelphia, ſhall be made according to the Cuſtom, and repaired at the equal Coſt of the Parties, not above 40*s. per* Hundred Feet, to be ordered by the Regulators of the ſaid City. ib. p. 76.

FERRIES.

An ACT about erecting and regulating the Prices of Ferries. Vol. 1, p. 9.

Several ACTS for eſtabliſhing and regulating Ferries. Vol. 1. p. 50. 66. 88. 97. 113. and 115. are expired by their own Limitations.

A Ferry over the River *Schuylkill* at the End of the High-Street of *Philadelphia*, is granted to the Mayor and Commonalty of the ſaid City, and the Ferriage regulated. ib. p. 96.

FINES.

For barring Eſtates intailed, (See Intails.)

An Act to prevent immoderate Fines. Vol. 1. p. 3. Rep. by the Crown ib. p. 18.

Fines under 20*s.* ſet upon any Offence, may be levied upon the Judgment of any one Juſtice of the Peace, except in Caſes, where the Law leaves the Fine to the Diſcretion of the County Court. Vol. 1. p. 2. and the greater Part of Fines not exceeding 40 *Shillings*.

Fines ſet by the County Levy Act may not be pardoned or releaſed. Vol. 1. p. 105.

Fines to the Proprietary and Governer

One half of 30 *Shill.* on Juſtices neglecting to attend the County Courts. Vol. 1. p. 3. £20. on challenging another to fight a Duell, and on accepting of ſuch Challenge, ibid. p. 4. £100. for bringing to Shore unhealthy Veſſels, or landing Goods or Paſſengers thereof, ibid. p. 9. £5. on the Officer for Weights and Meaſures, for Neglect of Duty. ibid. p. 10. the half of £50. on Adultery for the firſt Offence, and the half of £100. for the ſecond Offence. ibid. p. 21. the half of £5. on Perſons offering or taking Bribes at the Elections, and on Perſons voting, being not qualified. ibid p. 28. the half of £10. on Perſons elected for Members of Aſſembly, refuſing to ſerve. ibid. p. 29. the half of £5. on publick Houſe-keepers, truſting Mariners above 5 *Shill.* ibid. p. 36. £20. for marrying contrary to the Law, and £5 for being Witneſs to ſuch Marriage. ibid. p. 14. the half of £20. on Brewers and Retailers of Beer, for uſing, Molaſſes &c. or carrying ſuch Ingredients in their Brew-houſes, and on their Servants and others aſſiſting therein, ibid. p. 82. the half of £5. on Juſtices or Clerks of the Peace, for not recording the Brewers and Taverners Recognizances. ibid. p. 82. the half of £5. on Brewers not qualifying by Oath or Affirmation, before licenſed ibid. p. 96. the half of £100. on Perſons altering the Bills of Credit of this Province, ibid. p. 131. &c.

Fines to the Governor, for Support of Government.

One half of the Money or other thing lent, on higher Intereſt than 6 *per Cent.* Vol. 1. p. 89. One third Part of the Eſtates of Perſons convicted of inceſtuous Fornication or Adultery. ibid. p. 20. £10 on Fornication. ibid. p. 21. the half of £200. on the Regiſter-General, and his Deputies for neglecting to give Bond, and on the R. G. neglecting to conſtitute Deputies for the ſeveral Counties, ibid. p. 25. the half of £100. on Recorders of Deeds, entring upon their Office before Security is given. ibid. p. 61. the half of £5. on Officers granting Attachments before Oath is made &c. ibid. p. 90. the half of ſuch Spirits, and of treble the Value thereof, as ſhall be mixed with Water, and ſold by Perſons, knowing the ſame to be mixed, ibid. p. 36. £100. for Counterfeiting the Privy-or Broad-Seal, ibid. the half of £5. on publick Houſe-keepers [in the Country] for keeping Publick-Houſe without being firſt recommended by the Juſtices in their Q. S. ibid. p. 46. or before given Bond in the Prothonotaries-Office, ibid. p. 77. or continuing to keep a Publick houſe, after their Licenſe is expired or ſuppreſſed. ibid. p. 46. and on Perſons, who under permit from the Collector ſell Liquors by ſmall Meaſure. ibid. p. 77. the half of 40*s.* on Publick Houſe keepers ſuffering Drunkenneſs or unlawful Gaming in their Houſes. Vol 1. p 46. for not keeping good Entertainment for Men and Horſe. ibid. p. 46. the half of all Fines on Offences againſt the Powder Act, ibid. p. 108. and againſt the Meaſure Act, ibid. p, 113. the half of £50. on the Officer of the Flour Act in *Philadelphia*, for Trading in Flour. ibid. p. 136. The half of the Fines arising by the Convicts Act, ibid. p. 122. 123. The half of the Fines in the Fees Act, Vol. 2. p. 49.

Fines to the Poor.

The half of 30*s.* on Juſtices neglecting to attend the Courts. Vol. 1. p. 3. 20*s.* On Jurors abſenting ib. p. 10. £10 on Blaſphemy and profane ſpeaking of GOD, *&c.* ib. p. 4. 40*s.* on deceitfully packing Tobacco. ib. p. 11. 20*s.* on Perſons working on Sundays. ib p. 19. 18*d.* on Tipling in Publick-Houſes, or Places on that Day. ib p. 20. 10*s.* on Keepers of ſuch Houſes or Places, for ſuffering ſuch Tiplers. ibid. the half of £50 on Adultery for the firſt Offence, and the half of £100 for the ſecond Offence, ib. p. 21. 10*s.* on ſelling Beer or Ale, by Wine Meaſure, ib. p. 31. the half of £5 on Publick Houſe Keepers, (in the Country,) for Keeping Publick-Houſe without being firſt recommended by the Juſtices in their Q. S. ib. p. 46. or before given Bond in the Prothon. Office, ib. p. 77. or continuing to keep Publick-Houſe after their Licenſe is expired or ſuppreſſed, ib. p. 46. and on Perſons who under Permit from the Collector, ſell Liquors by ſmall Meaſure, ib. p. 77. Vol. 2. p. 69. the half of 40*s.* on Publick-Houſe Keepers, ſuffering Drunkenneſs, or unlawful Games in their Houſes, Vol. p. 46. on not keeping

ing good Entertainment for Man and Horſe, ib. p. 46, the half of 20*s.* for the firſt and ſecond Offence, entertaining or truſting Minors or Servants, and the half of £5. for the third Offence, ib. p. 77. the half of 20*s.* on the firſt, and the half of 30*s.* on the ſecond, and every other Offence on Perſons entertaining any Negroe or Indian Slave, or ſupplying them with ſtrong Liquors, ib. p. 77. the half of Fines ariſing by the Flour Act, on Bolters, Bakers, Millers and others, offending againſt the Directions of that Act, ib. p 136. Vol. 2. p. 15. the half of all Fines ariſing by the Deer Act, ibid. p. 30. the Fines for curſing and ſwearing, ib. p. 16, *&c. &c.*

Fines to the Informer, Diſcoverer or Perſons, that will ſue for the ſame.

One half of the Money or other Things lent on higher Intereſt, than 6 *per Cent*, Vol. 1. p. 89. 5*s.* for uſing Weights and Meaſures not ſealed by the Officer. ibid. p. 10. the half of £5. on Perſons offering or taking Bribes at the Elections, or voting being not qualified, ibid. p. 28. £100. on Sheriffs and Coroners, and £5. on Conſtables and Overſeers of the Poor, neglecting their Duty at the Elections, and on Inſpectors not attending the Elections, Vol. 2. p. 8. 42. the half of £10. on Perſons elected for Members of Aſſembly refuſing to ſerve. Vol. 1. p. 29. 15. on Juſtices granting Writs of Attachment for Debts not exceeding 15. without Oath being firſt made, &c. Vol. 2. p. 50. the half of 15. on Officers granting ſuch Writs for Debts above 15. without Oath &c. Vol. 1. p. 90. the half of ſuch Spirits, and of treble the Value thereof, as ſhall be mixed with Water, and ſold by Perſons, knowing the ſame to be mixed. ibid. p. 36. the half of 15. on the Imployer and Maſter Builder of a Houſe in *Philadelphia*, for laying the Foundation of a Party-Wall before directed by the Regulators. ibid. p. 76. the half of all Fines ariſing by the Powder Act, ibid. p. 108. and by the Act about Beef and Pork for Exportation, ibid. p. 113. the half of 1200, on the Regiſter General, or his Deputies, ibid. p 25, and the half of 1100, on Recorders of Deeds, ibid. p. 61. entring upon their reſpect. Offices without Security given. The half of £50 on the Officer of the Flour Act in *Philadelphia* for Trading in Flour ibid. p. 136. the half of 1100 on Perſons altering the Bills of Credit, ibid. p. 154. the half of all Fines ariſing by the Acts for *Indian* Trade, Vol. 1. p. 14. Vol. 2. p. 82. by the Lumber Act, Vol. 2. 101. by the Act of Tonnage, ibid. p. 90. by the Negroes Act. Vol. 1. p. 111 by the Act for regulating the Importation of Paſſengers &c. Vol. 2. p. 30. by the Deer Act, ibid. &c. &c.

Fines to the Party grieved, the one half of double the Value of any Veſſel Boat or Canoe taken away or ſet adrift from any Landing-Place. Vol. 1. p. 1. the one half of double the Value of the Damages ſuſtained by forging or defacing Deeds, &c. or defacing or falſifying Records, ibid. p, 2, treble the Value of Goods clandeſtinely obtained of Servants, ibid. p, 5, Twenty *Shill*, for every Tobacco Hogſhead not truly tared, ibid, p, 11, the half of 15, on publick Houſe-keepers truſting Mariners above 5 *s*, ibid, p, 36, the half of 20*s*, for the firſt and ſecond Offence, for entertaining or truſting Minors or Servants, and the half of 15, for the third Offence, ibid, p. 77, The half of 20*s.* for the firſt, and the half of 30*s*, for the ſecond and every other Offence, on Perſons entertaining any Negro or Indian Slave, or ſupplying them with ſtrong Liquors, ibid. p, 77, treble the Value attempted to have been defrauded by counterfeiting any Perſons Hand or Seal, ibid. p. 36. 150, on Juſtices of the Peace, Clergymen &c. marrying or publiſhing Marriages, or being Witneſſes to Marriages contrary to the Law in that behalf made, Vol. 1. p. 120.

Fines to the Provincial Stock, all Fines ariſing by the Supply Acts. Vol. 2, p, 54, 78, 95,

Fines to the County Stock, 15, on ſtopping or committing any Nuſance in the Highways, or other Roads, Vol. 1. p, 7, All Fines ſet in the Act, for raiſing County Levies, ibid, p, 105, The half of £5, and the half of the Goods purchaſed from Indians by Non-reſidents within this Province, ibid, p, 14.

Fines to the Uſe of Towns, 10 *s*, on Owners or Tenants of any Dwelling houſe in *Briſtol*, *Philadelphia*, *Germantown*, *Darby*, and *Cheſter*, &c. neglecting to keep Leather-Buckets and Swabs. Vol. 1. p. 15, 20*s.* for ſuffering their Chimnies in the ſaid Towns, to blaze out Fire at the Top, ibid, and p. 78, Fines to the Borough of *Cheſter*, Chart. p, 16, to *Briſtol*, ibid, p. 18, of *Lancaſter*, ibid. p, 20. 21, to the City of *Philadelphia*, ibid. p, 13, and the Fines granted to the City of *Philadelphia*, by Charter are confirmed by Law, Vol. 1, p, 46, 72, 84, *Twelve Pence*, for ſmoaking Tobacco in the Streets of *Philadelphia*, ibid, p. 15, the half of 15, on Imployers and Maſter Builders of a Party Wall in the City of *Philadelphia*, without the Direction of the Regulators, ibid. p, 76, All the Fines on Coopers and Bakers, uſing their Trades in Shops, built otherwiſe, than is provided by Law, ibid. p. 130. and for ſtacking Hay, or above 200 Fagots within 100 Feet from any Building, ibid. p. 131.

Fines to be paid to the Overſeers of the Highways, 110, on Juſtices of the County Courts, for not appointing yearly an Overſeer of the Highways, £5. on Overſeers not ſummoning the Inhabitants to repair, 20*s.* on Perſons ſummoned to repair, not appearing, Vol. 1. p. 8. 40*s* on Owners of Waggons, *&c.* drawn by more than 3 Beaſts at length. ibid. p. 41.

Fines to the Pennſylvania Hoſpital, the half of all Fines ariſing by the Lumber Act, Vol. 2. p. 101.

Fines to the Truſtees of the Province-Iſland, the half of all Fines ariſing by the Act, for regulating the Importation of Paſſengers, *&c.* Vol. 2. p. 30.

Fines to the Commiſſioners for Indian Affairs, the half of all Fines ariſing by the Act for regulating the Indian Trade. Vol. 2. p. 82. 83.

Fines to the Treaſurer of the Watch and Lamp Tax, All Fines, ariſing by the Act for regulating the nightly Watch, *&c.* Vol. 2, p. 63,

Fines to the Collector of the Exciſe, the half of the Fines ſet by the Brewers Act, Vol. 1. p. 82. 96, the half of all Forfeitures, recovered by the Exciſe Act, Vol. 2. p. 68,

Fines to the Officer of the Flour Act, the half of all Fines on Bolters, Bakers, Millers, and others offending againſt the Flour Act, Vol. 1. p. 136. Vol. 2. p. 15.

Fines to the Officer of the Convicts Act, the half of all the Fines ariſing by that Act, Vol. 1. p. 122. 123.

Fines not appropriated. The one half of double the Value of any Veſſel, Boat, or Canoe, taken away or ſet adrift

adrift from any Landing Place, Vol. 1. p. 1. *l.* 10 for removing allowed Landmarks. ibid. the one half of double the Value of the Damage ſuſtained by forging or defacing Deeds, *&c.* or defacing or falſifying Records, ib. p. 2. All Fines ſet in the Act for regulating Servants, ib. p. 5. 10*s.* for erecting Wears quite acroſs Creeks or Rivers, ib. p. 8. *l.* 5 for entertaining a Woman that cometh into another County to bear a Baſtard Child, without giving Notice to ſome one Juſtice, ib. p. 21. 5*s.* for the firſt, and 10*s.* for the ſecond Offence, for getting drunk and for provoking others to drink, ib. p. 22. *l.* 5. on ſuch Juſtices or Freeholders, as neglect or delay to do their Duty upon the Trial of Negroes, ib. p. 34. the ſeveral Fines on Publick-Houſe and Stable-Keepers, demanding greater Prices for Liquors and Provender of Horſes, than what is ſettled by the Juſtices in the Seſſions, ib. p. 66. the Fines on Juſtices, Clerks of Court and Attorneys at Law, willfully proceeding on Arreſts of Freeholders exempted from Arreſt, ib. p. 107. 5*s.* on neglect to raiſe and lower the *Cheſter* Drawbridge, ib. p. 109.

All Fines, ſet in any Court, &c. of this Province, ſhall be certified and eſtreated into the Supream-Court. (ſee Eſtreats.)

The Judges of the Supream-Court are impowered to give Relief, upon Complaint againſt immoderate Fines. Vol. 1. p. 58. and ſhall award Proceſs, for levying the Fines unpaid, ibid. 57. 58. and the Sheriff or other Officer, who levied the ſaid Fines, ſhall pay the ſame (except ſuch as are approprieated to the Poor, or for repairing High-ways, &c. or any particular Uſes in the reſpective Counties or City of *Philadelphia*,) unto the Provincial Treaſurer, who ſhall pay the ſame to the Uſes apptopriated. ibid. p. 58.

FIRE.

An Act for preventing Accidents by Fire, in *Briſtol*, *Philadelphia*, *Germantown*, *Darby*, *Cheſter*, &c. Vol. 1. p. 6 & 15.

Every Owner or Tenant of any Dwelling-houſe in the Towns of *Briſtol*, *Philadelphia*, *Germantown*, *Darby*, *Cheſter*, &c. ſhall keep a Swab and two leather Buckets. ibid. p. 15.

Firing Chimnies or ſuffering them to blaze out at the Top in any of the aforeſaid Towns, or within any other Town or Borough built or to be built is 20*s.* Fine. ibid. p. 78. Vol. 2. p. 33.

Firing Guns, making ſelling or firing any Fire-Works in any of the ſaid Towns or Places without Licence from the Governor is 5*s.* Fine. Vol. 1. p. 78. Vol. 2. p. 33.

Smoaking Tobacco in the Streets of the City of *Philadelphia*, finable, Vol. 1. p. 15.

The Manner in which Bake-houſes and Coopers Shops in the City of *Philadelphia* ſhall be built; is preſcribed ibid. p. 130.

No Hay or Fagots above 200 ſhall be kept within 100 Feet from any Dwelling-houſe, in the ſaid City, ibid.

Not above 12 *Pounds* of Gun-powder, to be kept in any Dwelling-houſe therein, ibid. p. 108.

No Perſon ſhall bream any Ship, &c. with blazing-fire in the Docks or at the Wharfs, of the ſaid City, or ſhall heat with blazing fire any Pitch, Tar, &c. or keep Fire on Board any Ship, after 8 o'Clock, Vol. 2. p. 78.

FIRING of WOODS.

An Act againſt unſeaſonable Firing of Woods, Vol. 1. p. 8. is repealed by Act of Aſſembly, ibid. p. 141.

Damages done, by ſetting on Fire Woods, *&c.* ſhall upon Action brought in the Court of C. P. or if not above 40*s*, before any Juſtice, be aſſeſſed and made good to the Party grieved, ibid. p. 142. Servants, &c. firing Woods, &c. without the Direction of their Maſter, ſhall ſuffer corporal Puniſhments, ibid.

FLOUR.

Three Acts to prevent the Exportation of Bread and Flour not merchantable, Vol. 1. p. 81. 95. & 100. are ſuppl.ed and repealed. ibid. p. 136.

Flour and Bread, made for Exportation, ſhall be well made and packed and weighed, the Cask rared and branded, with the Mark of the Bolter or Baker, and a true Invoice of the Contents delivered with the ſame. Vol. 1. p. 134.

Shall not be carried in any Waggon, or Boat, without Covering, nor left at any Landing place, ibid.

Every Cask of Flour, before Exportation, ſhall be committed to the View of the Officer; who, if he judges the Flour to be merchantable, ſhall brand the Cask with the Arms of *Pennſylvania*, ibid. & Vol. 2. p. 15.

Differences between the Officer and Merchant, how to be adjuſted. Vol. 2. ibid.

The Flour Act is ſince continued, ibid. p. 32. 92.

FORCIBLE ENTRY.

Shall be puniſhed, as breaking the Peace, and the Party grieved, ſhall have Satisfaction according to the Circumſtances, Vol. 1. p. 1. See Treſpaſſes, quare clauſum fregit.

FORFEITURES.

The Eſtate of Perſons, deſtroying themſelves, through Melancholy, ſhall not be forfeited: nor ſhall there be any Forfeiture to the Govetnment, on Occaſion of an accidental Death, *Charter*, p. 9.

Perſons attainted or outlawed for Felonies of Death, ſhall forfeit the half Part of their real and perſonal Eſtate to the Governor, towards Support of Government, and defraying the Charges of their Proſecution, Vol. 1. p. 69.

Perſons convicted of ſimple Larcenies, and the Acceſſaries thereto, on the firſt, ſecond, or third Offence, ſhall forfeit the ſingle, double, or treble Value of the Goods ſtolen, reſpectively, to the Governor, ibid. p. 71. Which Forfeitures, ſhall be levied by the Sheriff, and paid to the Provincial Treaſurer for the Uſe of the Publick Service, ibid. p. 72. (See Fines)

FORGING.

Forging, defacing, corrupting, or imbezling any Deeds, and defacing, or falſifying any publick Records, forfeits double the Value of Damages, and the Offender ſhall be publickly diſgraced, &c. Vol. 1. p. 2.

Forging Acknowledgments, and Certificates on Deeds incurrs the ſame Penalties, ibid. p. 60.

FORNICATION.

The Proof to convict a *ſingle Woman* of Fornication is, if ſhe has a Child born of her Body: And the Proof to convict a *Man* of the ſame Offence is, that he is charged by ſuch Woman to be the Father of ſuch Child, ſhe perſiſting in the ſaid Charge. Vol. 1. p. 21.

Inceſtuous Fornication, ſhall be puniſhed as Fornication by Law, and the Parties fined. ibid. p. 20.

(See Baſtardy, Servants, Negroes.)

FOXES.

The Reward for killing Foxes, Vol. 1. p. 102. and the Proof that one is intitled to ſuch Reward, ibid.

FREEHOLDERS.

See Arreſt and Elections.

FREEMAN.

An ACT of Privileges to a Freeman, Vol. 1. p. 2. Repealed by the Crown. ibid. p. 18. Reenacted ib. p. 47. and Rep. ibid. p. 51. Reenacted ibid. p. 56. and Rep. ibid. p. 65.

GAUGING.

All Caſks of Rum, Wine, and other liquid Merchandize, ſhall be firſt gauged by the Officer, and the true Contents thereof marked upon the Head, before it may be ſold in this Province, Vol. 1. p. 88. & ſeq.

GOAL. See Priſon.

GOAL DELIVERY.

There ſhall be a Goal Delivery in every County of this Province, at leaſt every half Year, Vol. 1. p. 39.

The Court of General Goal Delivery for capital Offences, is to be held by the Judges of the Supream-Court, ibid. p. 85. And for Offences not capital, by the Juſtices of the Court of Q. S. in the ſeveral Counties, p. 83. And in the City of *Philadelphia*, by the Mayor Recorder and Aldermen. Chart. p. 12. Vol. 1. p 84.

The Juſtices of Goal Delivery, for the Time being, ſhall give Judgment, and award Execution againſt Perſons repricved by former or other Juſtices, Vol. 1. p. 70.

GOVERNOR, GOVERNMENT.

The Government of this Province, is eſtabliſhed by the Royal Charter, to *William Penn*, Eſquire; the ſeveral Proprietary Charters, to the Inhabitants thereof, and the Laws in this Collection.

An Act, for further ſecuring the Adminiſtration of the Government of this Province. Vol. 1. p. 22. Rep. by the Crown, ibid. p. 44.

In caſe of the Death or Abſence of the Lieutenant Governor, the eldeſt Counſellor, or ſuch other Member of Council, as a Majority ſhall chuſe, with any four of the other Counſellors, ſhall have the full Power of a Governor, Legiſlation excepted, until the Return of the Lieutenant Governor, or he ſhall be replaced by the Governor in Chief, Vol. 1. p. 51.

In caſe of the Death of the Governor in Chief, the Lieutenant Governor for the Time being, ſhall continue till further Order from the King, or the Heirs of the Proprietary. ibid.

(See Proprietary.)

GRAIN. (See Proviſions)

GUARDIANS.

Guardians appointed by the Direction of the Orphans-Court, ſhall be admitted as ſuch, in all Courts, in all Actions, Vol 1. p. 55.

Guardians and others, concerned for Minors, ſhall at the End of their Adminiſtration be duly diſcharged. ibid.

(See Minors)

GUNS. (See hunting, Fire, Negroes)

GUNPOWDER.

No Perſons, ſhall keep at any Place within the City of *Philadelphia*, and 2 Miles thereof, more than 12 *Pounds* Gunpowder; and all Maſters, of Veſſels, &c. bringing into the Port of *Philadelphia*, any Gun-powder, ſhall within 48 Hours from their Arrival, deliver all the Gun powder in the Powder-Houſe. Vol. 1. p. 108.

Which Powder, ſhall be received and ſtored at the ſaid Powder-houſe, and the Maſter thereof, ſhall be accountable for the ſame, and give his Attendance daily at the ſaid Powder-houſe, ibid. and receive the Storage, ſettled by Law. ibid.

The Powder Act was limited for 21 Years, ibid. And is ſince continued for ſuch further Time, until ſome future Proviſion be made by Act of Aſſembly, Vol. 2. p. 19.

HANDS. (See Counterfeiting.)

HIGH TREASON.

The Trials, Proceedings, Judgments, and Executions in Caſes of High-Treaſon, ſhall be according to the Courſe of the Common Law and Statue Law of *Great-Britain*, Vol. 1. p. 67.

HIGHWAYS.

All the Kings High-ways, ſhall be laid out by Order of the Governor and Council, and recorded in the Council Book. Vol. 1. p. 7.

(See Roads.)

HOMICIDE.

Judgment and Execution to be as in *England*, Vol. 1. p. 67.

HORSES.

Stone Horſes of above 18 Months old, meaſuring leſs than 14 Hands in Highth, and of an uncomely Proportion running at large, may be taken up by any Freeholder, and by the Judgment of two other Freeholders geldt. And if ſuch Horſe has been ſeen well, one Month after Gelding the Owner thereof, ſhall pay for the taking up and Gelding 10*s*. Vol. 1. p. 97. 98. And if within 12 Months no Owner can be found, the Horſe, to be ſold for the Benefit of the County-Treaſury, ibid.

Horſes and Mares, running at large, may be taken up by the County Rangers, and after they have been poſted in 3 or more publick Places, in every County of this Province, at leaſt one Year, may be ſold by publick Vendue for the Benefit aforeſaid. ibid.

An Act to regulate Horſe-Jockeys and Dealers in Horſes and to prevent the bringing into this Province for Sale, ſuch as are ſmall unſizeable or unſound. Vol. 2. p. 23. is expired.

HORSE RACES.

See Idleneſs.

HOSPITAL.

The Contributors to the *Pennſylvania Hoſpital*, made a Corporation, impowered to chuſe Managers and Treaſurers, and to make Laws to be approved of by the Chief Juſtice, the Speaker of Aſſembly, and the Attorney General under their Hands and Seals. Vol. 2. p. 34. & ſeq.

(See Peſthouſe)

HOUSE BREAKING

An Act againſt breaking into Houſes. Vol. 1. p. 1. Rep. by the Crown. ibid. p. 18.

(See Burglary)

HOUSES of CORRECTION

(See Workhouſes)

HUNTING.

An ACT to prevent the killing of Deer out of Seaſon and againſt carrying of Guns or Hunting by Perſons not qualified, Vol. 1. p. 79. A Supplement to the ſame Act, ibid. p. 131. and an Act for amending the Laws of this Province againſt killing of Deer out of Seaſon, Vol. 2. p. 30. were Repealed by an Act of Aſſembly, 33. *Geo.* 2. Which Act properly doth not come within the Compaſs of this Collection of Laws, but foraſmuch as the Article of Hunting, would be intirely wanting, we have thought proper to inſert it.

No Perſon ſhall hunt, chaſe or follow any Deer, or other wild Beaſt, Fowl, or other Game, or ſet Traps, without the Limits of the Lands purchaſed of the *Indians*, And the Conſtables having any Knowledge of ſuch Offence are injoined to preſent the ſame, Vol. 2. p. 31.

Nor ſhall chaſe or kill any Buck, Doe or Fawn at any other Time, but between the 1ſt. of *Auguſt* and the 1ſt. of *January*, ibid.

Nor ſhall carry any Gun or hunt on the incloſed or improved Lands of another, without Permiſſion, nor fire a Gun on or near the Highways, nor ſhoot at any Fowl in the Streets of *Philadelphia*, or in the Incloſures adjoining upon, within the Limits of the ſaid City and Suburbs thereof, or any of the Buroughs or Towns within this Province, ibid.

Nor ſhall hunt on Sundays, ibid.

IDLENESS.

Horſe-Races, ſhooting Matches, and all other idle Sports and Games, may not be kept without the Governors ſpecial Licence: no publick Houſe-keepers or Retailers, ſhall ſell Liquors to Perſons aſſembled for ſuch Purpoſes, and no Perſon ſhall publiſh Advertiſements thereof, Vol. 2. p. 33. 34.

IMPRISONMENT.

[See falſe Impriſonment, Bail.]

INCEST.

An ACT againſt Inceſt, Sodomy, and Beſtiality, Vol. 1. p. 1. Repealed by the Crown, ibid. p. 18.

Inceſtuous Marriages, ſhall be void, and the Governor, ſhall grant a Letter of Divorce, and the Parties be fined, Vol. 1. p. 20.

Inceſtuous Fornication and Adultery, incurr the ſame Puniſhments as other Fornications and Adultery by Law, and the Parties to be fined, ibid.

INDIANS.

Perſons non-reſident within this Province, ſhall not trade with any *Indians* within this Government, Vol. 1, p. 14. nor the Inhabitants thereof, without having firſt obtained the Governors Licence, ibid. p. 87 Proviſions only excepted. Vol. 2. p. 82. but any Inhabitant at his own Dwelling-houſe may trade with the *Indians*, Vol. 1. p. 14. Vol. 2. p. 82.

No Perſons ſhall take a Pawn from an *Indian*, Vol. 1. p. 16.

The Trade with the *Indians* in their own Country is now by two temporary Acts committed to the *Commiſſioners for Indian Affairs*. Vol. 2. p. 80. 99. Who ſhall trade with the Indians for the Account of the Province only, and not for themſelves, or their Friends, and ſhall with the Approbation of the Governor appoint Agents, who are to reſide at ſuch Forts or Places, as the Governor and the ſaid Commiſſioners ſhall direct, and by them ſhall be ſupplied with Goods ſuitable for the ſaid Trade. Vol. 2. p. 79. & ſeq. The ſame Commiſſioners are impowered to borrow £14000 on Intereſt. ibid. p. 81. 99.

No ſtrong Liquors may be ſold to any Indian within this Province, or any Quantity thereof exceeding one Gallon be carried to the Indian Towns for Sale. Vol. 1. p. 16. 87. but the Sixteenth Part of a Quart within 12 Hours may be given to an Indian. ibid. p. 87.

The Magiſtrates are impowered upon Suſpicion of any Perſons furniſhing Indians with Rum, to ſend for ſuch Perſons, and to reprimand them, and upon a ſecond Suſpicion to adminiſter to them an Oath or Affirmation that they have not furniſhed Indians with Rum &c. Vol. 1. p. 88.

Indian Slaves imported into this Province from any Province in America ſhall be forfeited to the Government. Vol. 1. p. 35.

An Act to prevent the Importation of Negroes and Indians into this Province. Vol. 1. p. 50. Rep. by the Crown. ibid. p. 52.

Proteſtant Teachers of the Goſpel, and School Maſters, taking firſt the Oaths of Allegiance, and ſubſcribing the Declaration of their Chriſtian Belief, ſhall be commiſſionated by the Governor, and ſupported by the Commiſſioners, which Teachers &c. are to direct the Indians in their temporal Affairs. ibid. p. 82.

Three ſeveral Acts for continuing and improving a good Correſpondence with the Indians, Vol. 1. p. 33. 47. & 61. are expired.

Indians killing Wolves in the inhabited Parts of this Province are intituled to the Reward. Vol. 1. p. 102.

Indians are not within the Meaning of the Deer-Act. Vol. 2. p. 31.

Felonies of Death committed by any Indian within the unſettled Parts of this Province, ſhall be determined before the Juſtices of the Supream-Court, &c. in the County of *Philadelphia*, Vol. 2. p. 4.

INDICTMENT.

No Perſon ſhall be obliged to anſwer to any Indictment, wherein the Proſecutors Name is not inſerted. Vol. 1. p. 37.

INSOLVENTS.

Formerly inſolvent Debtors might make Satisfaction by Servitude. Vol. 1. p. 13. 39. Now Single Perſons under the Age of 40 Years, having no Charge of Children, not owing above £ 20 in the whole, offering to make Satisfaction by Servitude, ſhall be diſcharged Vol. 1. p. 39. 129. Alſo any Perſon impriſoned for a Debt under 40 *s.* offering to make Satisfaction by Servitude, may be diſcharged by two Juſtices of the Peace. ib. p. 126. 130. It ſeems Perſons in Execution for a Debt from 40 *s.* to £ 5 are relieveable by the Court, and not by Juſtices out of Court. Vol. 2. 10.

Perſons charged in Execution for any Sum or Sums, not exceeding in the whole £ 100 upon Petition by them preſented to the Court, with an Account of their whole Eſtate, and upon Affidavit made, that all the Creditors were duly ſerved with Notice, may be qualified to the Truth of their Account. And if the Creditors are ſatisfied therewith, the Priſoner after having aſſigned all his Effects in Truſt for them, ſhall be diſcharged. Vol. 1. p. 124. but abſent or diſtant Creditors, ſhall not be barred thereby ibid p 126.

If the Creditors are not ſatisfied with the Account, the Court ſhall remand the Priſoner, and appoint another Day: And if no Effects omitted in the ſaid Account can be then diſcovered, the Priſoner ſhall be diſcharged. And if nevertheleſs his Creditors do inſiſt upon his being detained in Priſon, they ſhall pay him weekly ſubſiſtance Money, to be aſſeſſed by the Court, ib. p, 124. 125. And give Security for the Payment thereof, and ſhall indemnify the Place from the Priſoners, or any of his Family becoming chargeable, ib, p. 129.

No Perſon ſo diſcharged may be hereafter impriſoned for any Debt, *&c.* due before his diſcharge, ib. p 125. but new Executions may be taken out againſt his Lands and Tenements, Goods and Chattles, ibid.

Perſons excluded from the Benefit of the Act of Inſolvency. 1.) Such as ſtand charged at the Suit of the Crown only, ibid. 2) Perſons convicted of having forſworn themſelves by the Oath of Inſolvency, ib. 5.) Perſons that have not been reſident within this Province, two Years next before their Impriſonment, ib. p. 129. [*Note.* In the late Edition of our Acts of Aſſembly, the Paragraphs of this Law were ſo miſplaced, that by a natural Conſtruction thereof, New Comers not owing above 40 *s.* were excluded from this Benefit: But as the Original Law ſtands, it ſeems they are not excluded.] 4.) Perſons being unmarried, and under the Age of 40 Years, having no Charge of Children, and not owing above £. 20 ibid p. 129. but they may be relieved by Servitude as aforeſaid.

INSPECTORS.

Of the Elections, ſhall be choſen by the Freeholders and others thereto qualified on the 27th. Day of *September* yearly; if it be Sunday, then on the Day before, between 9 in the Forenoon and 3 in the Afternoon, under the Direction of the Conſtables of the reſpective Wards in the City of *Philadelphia*, and of the Conſtables or Overſeers of the Poor in the ſeveral Townſhips, aſſiſted, by 2 Freeholders, by ballotting one Freeholder for each Ward and Townſhip: and the Perſon ſo choſen, ſhall be returned by the Conſtables on the Day of Election before 9 o'Clock to the Sheriff, or other Judge of the Election, Vol. 2. p. 7. 8. & 41.

In the City of *Philadelphia* the Names of all Perſons returned ſhall be wrote on Tickets, and 4 thereof drawn: which 4 Perſons with the other Perſons choſen for the County, ſhall be the Inſpectors for the County of *Philadelphia*: and the Perſons whoſe Names remain in the Box, ſhall be the Inſpectors at the Elections of Burgeſſes for the City of *Philadelphia*, and returned accordingly. ibid. p. 8.

In the Counties of *Philadelphia* and *Bucks*, the Names of the Perſons for the ſeveral Townſhips conſtituing the 8 Diſtricts or Hundreds, into which theſe Counties are divided, ſhall be put into 8 ſeveral Boxes, and out of each Box one Ticket drawn by an indifferent Perſon. ibid.

In the other Counties all the Perſons returned by the Conſtable, ſhall be declared Inſpectors. ibid. p. 41. Each of them to receive the Tickets brought in by Perſons reſiding in the Townſhip for which he is choſen, ibid.

The Inſpectors ſo choſen and returned, ſhall attend the Elections to prevent Frauds in carrying on the ſame, with Power to adminiſter an Oath, *&c.* to every Elector, who preſents his Ticket. ib. p. 8.

The Act for directing the Choice of Inſpectors, *&c.* Vol. 2. p, 40. is temporary and continued by 2 ſubſequen. Acts. ib. p. 53. 116.

INTAILS.

Fines and Common Recoveries duly levied, or ſuffered, or to be levied, or ſuffered in this Province, ſhall be of like Effect for barring Eſtates intailed, as Fines and Common Recoveries levied or ſuffered in England, Vol. 2. p. 32.

INTEREST.

Was formerly 8 *per Cent* by Act paſt 1700. Vol, 1. p. 2. but in Anno 1722. reduced to 6 *per Cent*. Whoever taketh more Intereſt than at that Rate, ſhall forfeit the Money or other Thing lent. ib. p. 89. (See Minors.)

INTESTATES.

An ACT for impowering Widows and Adminiſtrators, to ſell ſo much of the Lands of Inteſtates, as may be ſufficient to clear their Debts, *&c.* Vol. 1. p. 4. Rep. by the Crown. ib. p. 18. The ſame Act is printed in Appendix, p. 13.

Their REAL ESTATE.

Is to diſcend and to be diſtributed according to the following Rules.

1. The Wife ſhall have Dower, *To hold as Tenants in Dower* in *England*, Vol. 1. p. 27. And no Part of the Lands ſo held in Dower, may be ſold, but for Payment of the Debts of the deceaſed. ib.

2. And of the Surpluſage of the Land, after all Debts paid, if the Inteſtate leaveth Children or Grand Children, ſhe ſhall have a Child's Portion; but if he leaveth no Children, nor Grand Children, ſhe ſhall have the half Part. ibid. Which Child's Portion, or half Part, ſhe is to hold for her natural Life, Vol. 2. p. 22.

3. The Children to have an equal Share, with the Wife *To hold and make Partition, as Tenants in Common.* Vol. 1. p. 27. Except the eldeſt Son, who is to have a double Share. ibid.

4. If the Widow, or any of the Children of the Inteſtate have already, by Settlement of the Inteſtate, ſo much Land as will amount to a Childs Portion, then ſhe or they ſhall have no Share. ibid.

5. For default of Iſſue the Heir at Law ſhall inherit, according to the Courſe of the Common Law in England. ibid.

6. But the Lands of Children having no Father and Mother, and dying Inteſtate under Age, unmarried and without Iſſue, ſhall be equally divided among the ſurviving Children, and the Repreſentatives of any Child then dead. Vol. 2. p. 22.

7. If the Lands cannot be divided among all the Children of the Inteſtate, without ſpoiling the whole, the eldeſt Son, and on his Refuſal any other of the Sons ſucceſſively may take the whole according to Appraiſement and pay the Shares of the other Children. ibid.

8. In caſe there is no known Kindred, all the Lands of the Inteſtate ſhall eſcheat to the immediate Landlord: and if the Heir at Law ſhall appear within 21 Years after the Deceaſe of the Inteſtate, he ſhall recover his Lands. Vol. 1. p. 27.

All diſtributions of Lands made according to the Directions of former Laws are declared good. Vol. 1. p. 23. (See Lands.)

Criminals Real and Perſonal Eſtate. (See Criminals)

INTESTATES *PERSONAL ESTATE*

Is to be adminiſtred and after all Debts &c. paid, diſtribution of the reſidue is to be made, by Order of the Orphans Court of the reſpective Counties. Vol. 1. p. 26. one Year after the Death of the Inteſtate, ibid. according to the following Rules.

1. One third Part to the Wife of the Inteſtate, and all the Reſidue to his Children, by equal Portions, allowing a double Share to the eldeſt Son. ibid.

2. The Portion of Children then dead ſhall be allowed to their Children. ibid.

3. Children preferred in the Life time of the deceaſed by Settlement or otherwiſe ſhall have ſo much as will make their Share equal to the Share of the other Children. ibid.

4. If there be no Children, or Grand Children, then one Moiety to his Wife, and the other Moiety to the next Kindred of the Inteſtate, who are in equal Degree, and thoſe who legally repreſent them. ibid.

5. In caſe there be no Wife nor Children, then to the next of Kin as aforeſaid. ib.

6. If Children having no Father and Mother die Inteſtate under Age, unmarried, and without Iſſue, their Eſtate ſhall be equally divided among all the ſurviving Children and the Repreſentatives of any Child then dead: But if the Mother is living, then between ſuch Mother and the Children of her deceaſed Husband as aforeſaid, Vol. 2. p. 22.

7 If an Inteſtate leaveth no Wife nor known Kindred, or if ſuch Relations do not claim their Shares within Seven Years, then the perſonal Eſtate ſhall go to the Proprietary. Vol. 1. p. 27.

8. Perſons to whom any Share ſhall be diſtributed ſhall give Bond. to refund a rateable Part if Debts of the Deceaſed ſhould be made appear. Vol. 1. p. 62.

Perſons marrying or having a Child after making their Laſt Will and Teſtament, ſo far as regards ſuch Wife or Child, or Children, ſhall be deemed to die inteſtate. Vol. 2. p. 22.

If Paſſengers intended to be landed in this Province, ſhall die in their Paſſage, or ſoon after, having Money or other Effects on Board, the Maſter ſhall within 20 Days after his Arrival, or after the deceaſe of ſuch Paſſenger exhibit an Inventory thereof in the Regiſter-Generals Office. Vol. 2. p. 30.

IRONWORKS

Two Acts for regulating Retailers of Liquors, near the Ironworks, Vol. 1. p. 111, 146. are expired.

JUDGES

No Member of Court ſhall ſit in Judgment, whilſt his own Cauſe is upon Trial, or upon an Appeal thereof. Vol. 1. p. 13.

No Judge of the Supream Court, ſhall ſit judicially in any of the inferior Courts. ibid. p. 85.

JURORS

Shall be ſummoned by the Sheriff 10 Days before the Court. Vol. 1. p. 13. Being ſummoned and not attending the Court, ſhall be fined not above 20*s.* ib. p. 3.

JUSTICES

Shall attend the Courts. Vol. 1. p. 3. or give a ſufficient Reaſon for their Abſence, to be allowed by the Court. ibid.

Actions that the Juſtices may not hear, and determine out of their Seſſions. Vol. 1. p. 62. Vol. 2. p. 11. *Lampſon — Sec Wardens*

LANDS,

By the Royal Grant, the Purchaſers of Lands in this Province, ſhall hold their Lands of the Proprietary, his Heirs and Aſſigns, and of the Lords of the Manors erected by the Proprietary, and not immediatly of the King, his Heirs and Succeſſors, notwithſtanding; the Statute 18 *Edw.* 1. *Ch.* 1. *Charters* p. 4. & 5. The Lands of Inteſtates, having no known Kindred, ſhall eſcheat to the immediate Landlord, of whom ſuch Lands are held, *Laws* Vol. 1. p. 27.

Buying Land from the Natives without the Proprietaries Leave, the Bargain is declared void, Vol. 1. p. 2. and all other written or verbal Agreements with the Indians for any Lands, Herbage Trees, Rivers, Mines *&c.* ſhall be void. ibid. p. 121.

Perſons poſſeſſing Land not taken up by Warrant from the Proprietary *&c.* ſhall upon Notice given, deliver up the Poſſeſſion of ſuch Land, or make Satisfaction for the ſame. ibid (ſee Appendix, p. 14. *Note.*)

An Act for aſcertaining the Deſcent of Lands and better Diſpoſition of the Eſtates of Perſons inteſtate, Vol. 1. p. 3. Repealed by the Crown, ibid. p. 18.

An Act confirming Devices of Lands, *&c.* Vol. 1. p. 4. Repealed by the Crown. ibid. p. 18.

An Act for impowering Widows and Adminiſtrators to ſell Lands, *&c.* Vol. 1. p. 4. Repealed by the Crown, ibid. p. 18.

An Act for the effectual Eſtabliſhment and Confirmation of the Freeholders, *&c.* in their Lands and Tenements Vol. 1. p. 12. Repealed by the Crown, ibid. p. 18.

An Act confirming Patents and Grants, Vol. 1. p. 47. Repealed by the Crown, ibid. p. 52. Which five Acts are printed in *Appendix*, p. 11. 12. 13. and 15.

All Bargains and Sales, for valuable Conſideration, and all Aſſignments, Grants, and Diſtributions of any Lands, Tenements and Hereditaments, made according to the Directions of ſome former Laws of this Province, are declared good againſt all Perſons, Vol. 1. p. 23. and all Perſons to or amongſt whom any Lands *&c.* have been allotted or diſtributed by virtue of the ſaid Laws, or have been or hereafter ſhall be ſold or delivered upon Executions, ſhall hold their reſpective Parts as Tenants in Common, and not as joint Tenants, ibid.

All Sales of Lands made *before* 1705. by any Attornies or Agents impowered by the right Owner, to ſell or convey his Lands, ſhall be good and effectual in Law. Vol. 1. p. 41.

All Sales or Conveyances of Lands or other Eſtate made *ſince* the Year 1705. by virtue of any Letters of Attorney, that is duly proved (ſee Letters of Attorney) ſhall be good and effectual in Law. ibid.

All Lands, Tenements, and Hereditaments, upon Judgment and Execution, are liable to be ſeiſed and ſold for Payment of Debts, if not ſufficient perſonal Eſtate is to be found, Vol. 1. p. 4. 37.

If the ſame Lands do or may yield within the Space of *Seven Years* ſufficient Profits to ſatisfy the Debts with Coſts; then all the ſaid Lands, ſhall be delivered to the Creditor, To hold, till the Debt is levied by a reaſonable Extent, ibid. p. 37. (which Extent or Valuation is to be found by Inqueſt of 12 Men) otherwiſe to be ſold by the Sheriff, on at leaſt ten Days publick Notice before Sale, which Notice ſhall alſo be given to the Defendant, ibid. p. 38. the Chief Meſſuage not to be ſold before the Expiration of one Year after Judgment, ibid. The Price to be paid to the Creditor in Satisfaction of his Debt, Damages and Coſts, ibid. with Intereſt from the Time of Judgment to the Time of Satisfaction, ibid. p. 5. And the Overplus returned to the Debtor, ibid. p. 39.

If the Sheriff, who has taken in Execution and ſold ſuch Lands, ſhall happen to die or be removed, before a Title be made, the ſucceeding Sheriff ſhall by the direction of the Court finiſh the Title. ibid. p. 113.

If the Lands expoſed to Sale, will not ſell, then the ſame or Part thereof, according to the Valuation of 12 Men, ſhall be delivered to the Creditor, To hold for ſuch Eſtate, as the Debtor might hold the ſame, at the taking thereof in Execution. ibid. p. 38.

(See Debts, Mortagages)

Lands of Inteſtates, may be ſold by the Adminiſtrator by Order of the Orphans Court for ſeveral Purpoſes. 1.) For Payment of Debts. 2.) Maintenance of Children. 3.) For Improving of the Reſidue of the Land to the Advantage of the Children, Vol. 1. p. 26.

Unſeated Lands ſhall not be rated in the County Tax, Vol. 1. p. 101.

Lands occupied and ſeated without Title, ſhall be aſſeſſed in the Provincial Tax, and the Perſons occupying the ſame, ſhall pay as Freeholders, Vol. 2. p. 55.

LANDMARKS

Removing any allowed Landmark, to the Wrong of any Perſon, forfeits any Sum not leſs than £ 10. Vol. 1. p. 1.

LARCENY

An Act directing the Puniſhment of Larceny, under five Shillings, Vol. 1. p. 14.

Perſons convicted, before any two Magiſtrates, of having ſtolen *under the Value of five Shillings*, ſhall have Judgment to be immediatly whipped, or (if it be the firſt Offence) fined not exceeding 20*s.* ibid, p. 76.

Larcenies for greater Sums, are triable in the Court of Q. S. for the City and Counties, and the Principals and Acceſſaries ſhall be whipped, and for the firſt ſecond and third Offence reſtore the Value or double or treble the Value of the Goods ſo ſtolen, to the Owners thereof, and moreover pay a Fine to the Governor. ibid. p. 71. & ſeq.

Perſons compounding or taking Satisfaction for ſtolen Goods, ſhall forfeit double the Value thereof. ibid. p. 72.

LAWS

Since the Year 1700. all the Laws that were paſſed before that Time have been held to be out of Force. We do not ſee any Notice being taken thereof in any of the Editions of our Law Books; ſave an Abſtract of *Eleven Laws*, concerning the Regulating of Deſcents and Transferring the Property of Lands, inſerted in the Appendix of the Edition of 1742.

We have in this Edition under the Title: *The Acts of Aſſembly of the Province of Pennſylvania, Vol. 1. Sect. 1.* publiſhed the Titles of all the Laws of this Province, ſince its firſt Eſtabliſhment, down to the Year 1700. with the Dates when the ſame were paſſed. The uſefulneſs of this Catalogue of our Laws will be eaſily underſtood by Perſons ſtudying the Laws and the Hiſtory of our Country. Upon the whole this is the firſt Edition of our Laws that ever has been compared with the publick Records thereof. And we may with great Confidence ſay "That the Titles of the Laws contained and inſerted in this Collection are the Titles of all the Laws which (from the beſt Information we have been able to get at the Maſter of the Rolls-Office, and otherwiſe) were ever paſſed in the ſaid Province from the Year 1682. down to the End of the late Governor Denny's Adminiſtration."

The Law for continuing and confirming the Laws hereafter expreſſed. Vol. 1. p. 12. We are ſorry to find we have made a great Miſtake by adding to the Title of that Law, that it was Repealed by the Queen. We were

were lead into this Miſtake by the Authority of 3 former Editions of our Law Books. But it is another Act nearly of the ſame Title as this that was repealed by the Queen, *viz. The LAW* for Confirmation of the Laws of this Government. ibid. p. 14. paſſed *October* 28th. 1701. See the Repeal thereof. p. 18. As by and ſince this very Law, all our old Laws, paſſed before A. 1700. were at once abrogated; it will be proper for the Hiſtory of our Provincial Laws, to inſert here an Abſtract thereof. *viz.*

The Law for Confirmation of the Laws of this Government.

" We the Repreſentatives &c. ---- Seriouſly conſide-
" ring with what Care and Application, the ſeveral
" General Aſſemblies, that have been held in this
" Government, ſince the Proprietaries laſt Arrival,
" have peruſed the Laws of this Government, for
" their Amendment, Explanation and Method, in
" order to be preſented to the King, for his Royal
" Approbation, purſuant to his Commands in that
" Behalf: Nevertheleſs, we finding that ſome of the
" ſaid Laws were not ſent as wanting a further Re-
" view, as alſo that ſome of them, which were of
" great Moment to the Country, were not plainly
" underſtood, which has occaſioned ſome Doubts
" and Miſapprehenſions concerning the ſaid Laws:
" FOR the Removal whereof and to prevent all fur-
" ther Objections that may hereafter ariſe, concer-
" ning them and the Actings and Proceedings of the
" preſent and former General Aſſemblies of this Pro-
" vince and Territories, and for the Indempnity of
" all Magiſtrates, Officers and other Perſons that have
" acted or ſhall act, or officiate by Virtue of the
" ſaid Laws. WE humbly deſire, that it may be
" enacted, *And be it hereby enacted*, by *&c.*-------
" *That* all the Laws, or Parts of Laws that have been
" reviewed, amended and paſt under the Titles here-
" in after mentioned, and every of them, are and
" ſhall be adjudged, deemed, and taken to be in
" Force, and are hereby ratified, confirmed and de-
" clared to be the Laws of this Province of *Pennſyl-*
" *vania*, and Territories thereunto belonging, *That*
" *is to ſay*".---------(Then follow the Titles of all the Laws paſſed in *A.* 1700. in the ſame Order as they are collected in this new Edition, leaving out the Titles of the Laws ſub *No.* 25. 54. 63. 76. 77. 79 & 99. and the Law ſub Litera I) Whereupon this Act concludeth in the following Words; "BE IT FURTHER
" ENACTED, *&c.* That all Laws whatſoever hereto-
" fore made, other than the Laws under the Titles
" above expreſſed, ſhall be null and void, and are
" hereby declared null and void to all Intents and
" Purpoſes".

An Act for amending divers Laws therein mentioned, Vol. 1. p. 56. Repealed by the Crown. ibid. p. 74.

LEATHER and SHOES, *&c.*

An Act to prevent the Sale of ill tanned Leather and working the ſame into Shoes and Boots, Vol. 1. p. 10. Repealed by the Crown. ibid. p. 18.

Leather inſufficiently tanned, ſhall not be expoſed to Sale under Forfeiture of the Leather, Vol. 1. p. 79.

No Leather (except ſuch as is imported from foreign Parts, and except, when the Price is 8*d.* or leſs *per Pound*,) or raw Hides, ſhall be exported from this Province, except to *New-Jerſey*, and the *Lower Counties*, ibid.

The Price of Leather and Shoes, ibid. p. 79. 80.

The Mayor and Aldermen of the City of *Philadelphia*, and the Juſtices of the reſpective Counties, ſhall appoint Sealers and Searchers of Leather, ibid.

Butchers and others cutting Hides or Skins, ſo as the ſame ſhall be impaired thereby, or expoſing to Sale any putrified Hides or Skin, ſhall be fined, ibid. p. 81.

LEGACIES.

Where no Time is limited for the Payment of a Legacy, the ſame ſhall be paid one Year after the Deceaſe of the Teſtator. Vol. 1. p. 157.

If the Executor or Adminiſtrator has not aſſets, enough to pay all the Debts and Legacies; the Legatees ſhall take a rateable Part only of the Surpluſage, after all Debts are paid. ibid. If upon Suit brought by the Legatee, the Executor pleads no Aſſets, the Court ſhall appoint Auditors, ibid.

Legatees upon the Payment of the Legacy, ſhall give Bond with Sureties to the Executor, *&c.* with Condition to return all or a rateable Part thereof, if the Executor ſhould not have Aſſets to pay all the Debts, ibid.

The Act for the more eaſy Recovery of Legacies within this Province, is temporary and continued, Vol. 2. p. 32. 73.

LETTERS of *ADMINISTRATION.*

Of the Eſtate of Perſons dying inteſtate, to be granted by the Regiſter General, or by his Deputies in the ſeveral Counties: if taken out in one County it ſhall be ſufficient wherever the Inteſtates Eſtate may be Vol. 1. p. 24 & 25. Letters of Adminiſtration with the Will annexed may be granted by the Regiſter General. ibid. p. 26.

Letters of Adminiſtration granted out of this Province, under the Seal of the Courts or Offices granting the ſame, declared good in this Province, ibid. p. 24.

LETTERS of *ATTORNEY* or *AGENCY.*

For ſelling Lands, executed out of this Province, ſhall be proved either at the Place where they are executed, by at leaſt two Witneſſes, before the Mayor or Chief Officer of the Place, and accordingly certified under the Publick Seal thereof, or in this Province, by one or more of the Witneſſes thereto, before any Juſtice of the Peace. Vol. 1. p. 41.

Letters of Attorney, ſhall be deemed to be in Force, untill the Attorney or Agent, ſhall have due Notice of a Countermand, Revocation, or the Death of his Conſtituent. ibid. (See Bonds)

LIBERTY of CONSCIENCE

The Law concerning Liberty of Conſcience, Vol. 1. p. 1. was Repealed by the Crown. ibid. p. 18. But Reenacted. ibid. p. 19. (See Religious Worſhip)

LICENCE

(See Indian Trade, Marriages, Pedlars, Publickhouſes.)

LIMITATION of ACTIONS and PROSECUTIONS.

Actions upon the Caſe (other than for Slander) of Account (other than between Merchants) of Debt without Specialty and for Arrearages of Rent, of Detinue of Replevin, and of Treſpaſs *Quare clauſum frégit*, muſt be brought within Six Years next after the Cauſe

Cauſe of ſuch Actions. Vol. 1. p. 53. And alſo Actions of Debt on Specialty. ibid. p. 59.

Actions of Aſſault, Menaceing, Battery, Wounding, Impriſonment within 2 Years. ibid. p. 53.

Actions of Slander within one Year. ibid.

Minors, Feme Covert, Non compos mentis, Perſons Impriſoned, or beyond Sea, having Cauſe of any ſuch Action excepted. ibid.

All Actions and Proſecutions upon the County Levies Act within 12 Months after the Offence. ibid. p. 105.

LIQUORS

An Act againſt mixing and adulterating ſtrong Liquors. Vol. 1. p. 9. Rep. by the Crown. ibid. p. 18.

Perſons ſelling Spirits mixed with Water knowing the ſame to be mixed, ſhall forfeit the Spirits and pay treble the Value thereof. Vol. 1. p. 36.

The price of all Liquors retailed in publickhouſes and Provender for Horſes in publick Stables, ſhall be ſettled by the Juſtices, in the Q. S. of the reſpective Counties, and in the Mayors Court of *Philadelphia*, and at the End of the Seſſions proclaimed and fixed upon the Courthouſe Doors. Vol. 1. p. 66. And the Publickhouſe or Stable keepers, demanding greater Prices, ſhall be fined. ibid.

But extraordinary good Beer may be ſold at higher Prices. ibid. p. 83.

Retailers of Wine, Rum, Brandy, and other Spirits ſhall enter their Names, and an Account of all Liquors on hand, with the Collector of the Duty, and take a Permit for ſelling theſe Liquors, paying at leaſt £3. Duty per Year, and ſhall make Entry of all Liquors retailed by them, and pay the Duties thereof, at leaſt once every 3 Months, Vol. 2. p. 66. And ſhall enter all Quantities of Liquors by them to be ſent out of the County of *Philadelphia*, with the Collector of *Philadelphia*, ibid. p. 67.

Liquors purchaſed in the neighbouring Provinces, and brought hither, ſhall pay the ſame Duties. ibid.

Liquors not entered, or falſely entered to be forfeited. ibid.

Retailers under ſuch Permit, may not ſell under one Quart Rum; Wine, &c. ibid. p. 69.

(See Exciſe, *Indians*, Publick-houſes.)

LOAN-OFFICE.

[See Truſtees of the General Loan-Office.]

LOTTERIES.

The Clauſe impoſing a Penalty on ſetting up Lotteries, Vol. 1. p. 118. is repealed by a late Act of Aſſembly, 2. *Geo.* 2. And the Act for the more effectual ſuppreſſing and preventing of Lotteries and Plays, Vol. 2. p. 109. is repealed by the Crown, Vol. 1. p. 162.

MAIMING.

Or diſfiguring any of the King's Subjects, by cutting off or diſabling any of his Limbs or Members, with an Intention to maim or diſfigure, is Felony of Death without Clergy in the Principal and Acceſſaries, Vol. 1. p. 68.

MANSLAUGHTER, (ſee Murder.)

MARRIAGE.

An Act for preventing clandeſtine Marriages, paſt in the Aſſembly, *A.* 1700. Vol. 1. p. 2, and ſupplied in the Year next following, ibid. p. 14.

All Marriages not forbidden by the Law of GOD, ſhall be encouraged, Vol. 1. p. 14. (ſee Inceſt)

But if either of the Parties, be under 21 Years, or under Tuition, or an indented Servant, and the Parent, Guardian, Maſter, *&c.* live within this Province, or can be conſulted with, the Conſent of ſuch Parent *&c.* ſhall be firſt had, ibid. p. 120.

The Forms of Solemniſation of Marriages before Juſtices of the Peace, ibid. p. 14. in Religious Societies, ibid. p. 14. & 120. by Licenſes, ibid. p. 15 & 120. (See Regiſtry,)

No Miniſter or other Perſon, ſhall join in Marriage any Negro with any white Perſon, ibid. p. 110.

Penalty on Negroes and White Perſons marrying together or cohabiting under Pretence of being married, ibid.

Servants Marriages, (ſee Servants.)

MARRIAGE SETTLEMENTS.

No Lands contained in any Marriage Settlement, ſhall be ſold contrary to the Form of ſuch Settlement, Vol. 1. p. 26.

MARINERS.

Not to be truſted above 5*s.* Vol. 1. p. 36.

MASTERS of SHIPS *&c.*

No Maſter of Ship or Veſſel, ſhall preſume to tranſport any Perſon out of this Government, without a Paſs, under the Province or County-Seal, Vol. 1. p. 33.

Importing ſick or diſtempered Perſons, ſhall give Security to provide Neceſſaries for ſuch ſick People, ibid. p. 156.

Importing Paſſengers from *Europe*, to provide them on their Voyage with good and wholeſome Meat, Drink and other Neceſſaries, and ſufficient Room: And if any of their Paſſengers die, leaving Money or other Effects, to exhibit a true and perfect Inventory thereof into the Regiſter Generals Office, Vol. 2. p. 29. & ſeq. See Gunpowder.

MAYOR and COMMONALTY of the City of Philadelphia.

Incorporated, and the Government of the ſaid City committed to the Mayor, the Recorder, Aldermen and Common Council-Men, *Chart.* p. 10, & ſeq. the Mayor of the City, is to be choſen yearly on the firſt *Tuesday* in *October*, ibid. p. 11. the Number of Aldermen and Common Council-Men is unlimited. ibid.

The Mayor, Recorder, and Aldermen, are Juſtices of the Peace and of Oyer and Terminer within the ſaid City and Liberties thereof, ibid. p. 12. And the Mayor and Recorder, ſhall be of the *Quorum* of the Juſtices of the C. P. of the Q. S. of Oyer and Terminer and Goal Dilivery in the County of *Philadelphia*, ibid.

All Aſſignments of Servants within the City of *Philadelphia*, to be made before the Mayor, *&c.* (See Servants.)

MAYORS COURT.

To be held by the Mayor, Recorder, and at leaſt two of

of the Aldermen, quarterly, for hearing and detetmining all Crimes and Offenees, committed in the ſaid City, *Chart.* p 12. But the Power of hearing and determining all Felonies of Death is now by Law veſted in the Judges of the Supream Court.
(See Supream Court)

M'CALL.

An Act for the more effectual veſting and ſettling certain Lands in *George M'Call*, purſuant to the Covenants and Agreements of all the Parties having any Intereſt in the ſame Vol. 1. p. 143. Confirmed by the Crown. ibid. p. 158.

MEASURES

See Weights, Beer, Millers.

MEMBERS of ASSEMBLY

To be elected in the ſeveral Counties on the firſt Day of *October* yearly,

For the City of *Philadelphia*,	2.	Vol. 1. p. 28.
For the County of *Philadelphia*,	8.	ibid.
- - - - *Bucks*	8.	
- - - - *Cheſter*	8.	
- - - - *Lancaſter*	4.	ibid. p. 116.
- - - - *York*, - -	2.	Vol. 2. p. 23.
- - - - *Cumberland*,	2.	ibid. p. 28.
- - - - *Berks*, - -	1.	ibid. p. 36.
- - - - *Northampton*,	1.	ibid. p. 38.

The Members choſen for each County, ſhall be written upon a Pair of Indentures, executed by the Sheriff, and at leaſt ſix of the Electors, and on the firſt Day of the Aſſembly's Meeting, returned to the Governor and to the Houſe of Aſſembly. Vol. 1. p. 29.

MENACING.

An Act againſt Menacing and Aſſault and Battery. Vol. 1. p. 1 Repealed by the Crown, ibid. p. 18. (See Threatning.)

MILLERS.

Shall ſcrean the Wheat before they ſhall make Flour of, for Exportation, Vol. 1. p. 135. ſhall have their Weights and Meaſures tried by the proper Officer, once in every three Years, ibid.

MINORS.

Their Money to be put out on Intereſt for no longer Term than a Twelve Month, upon ſuch Security as the *Orphans Court* ſhall allow of. And the Guardians *&c* ſhall not anſwer for any Intereſt, untill ſuch Security can be found, nor before the Time the Accounts of their Adminiſtration are, or ought to be ſettled, before the ſaid *Orphans Court* or the *Regiſter General*, Vol. 1. p. 54. 55.

Minors may not be committed by the *Orphans Court* under the Tuition of, or bound Apprentices to Perſons of a different Religion from what the Parents of ſuch Minors profeſſed (if others may be found) or againſt the Minors Inclination, or to Perſons that are not of good Repute, ibid. p. 55.

Minors, when they come to Age, ſhall upon the Perſons concerned for their Eſtate, rendring their Accounts to the *Orphans Court*, and paying the Minors their full due, acknowledge Satisfaction in Court, and on their Refuſal the Court ſhall cauſe their Bonds to be delivered up. ibid.

The Receipts of Executors, Adminiſtrators, Guardians or Truſtees, for Money &c. actually received and belonging to Minors, ſhall conclude ſuch Minors, and diſcharge the Perſons that take ſuch Receipts. ibid.
(See Guardians)

MISPRISION of TREASON.

Judgment and Execution to be given and awarded as in *England*, Vol. 1. p. 67.

MONEY, (ſee Coin, Bills of Credit.)

MORTGAGES,

No Mortgage or Deed, in the nature of a Mortgage, ſhall be good, unleſs Recorded within ſix Months, in the County where the Lands lye, Vol. 1. p. 60.

On full Payment of the Money due on Mortgages, the Mortgagee ſhall within 3 Months releaſe the Premiſes on Record, ibid.

On Default of Payment after the Expiration of 12 Months, the Mortgagee may ſue forth Writs of *Scire facias*, ibid. p. 38.

If the Defendant in the *Scire facias* doth not appear, a *Levari facias* ſhall be granted, and the Premiſes taken in Execution, ſold and conveyed in the Manner as Land taken in Execution for other Debts and Damages, ibid. (ſee Lands)

If Judgments ſhall be reverſed for Error, the Lands ſo ſold, ſhall not be reſtored, but only the Price for which the ſame were ſold. ibid. p. 39.

Mortgages to the Truſtees of the General Loan-Office regulated, ibid. p. 151. & ſeq. Vol. 2. p. 106. & ſeq.

MURDER and *MANSLAUGHTER.*

An Act againſt Murder, Vol. 1. p. 1. Repealed by the Crown. ibid. p. 18.

An Act againſt Murder and Manſlaughter. Vol. 1. p. 19, Supplied.

Judgment and Execution for Murder and Manſlaughter, to be as in *England*, ibid. p. 67.

It is Murder in a Woman to conceal the Death of her Baſtard Child, if ſhe cannot prove, it was born dead. ibid. p. 68. and in the Perſon adviſing her to kill the Child ſhe goes with, (if ſhe doth ſo after her Delivery) ibid.

Wilfull and malicious Murder, the Governor may not pardon, but he may grant a Reprieve untill the King's Pleaſure ſhall be known, *Chart.* p. 2.

NATIVES. (ſee Indians.)

NATURALIZATION,

An Act for Naturalization, Vol. 1. p. 2. Repealed by the Crown, ibid. p. 18. the ſame Act is printed in Appendix. p. 11.

Seven ſeveral Acts for enabling divers Inhabitants of this Province to hold Lands, Vol. 1. p. 45. 93. 109. 118. 131. 142. & 147.

An Act for Naturalizing ſuch foreign Proteſtants as are ſettled, or ſhall ſettle within this Province, who not being of the People called *Quakers*, do conſcienciouſly

refuſe the taking of any Oath, Vol. 1. p. 157. Supplied by an Act of Parliament. 20. *Geo.* 2.

An Act for the Relief of the Heirs, Deviſees and Aſſigns of Perſons born out of the King's Legiance, who have been Owners of Lands within this Province, and have died unnaturalized, Vol. 2. p. 109. Repealed by the Crown. Vol. 1. p. 162.

See Appendix. p. 4.

NEGROES.

An Act for the Trial of Negroes. Vol. 1. p. 9. Rep. by the Crown. ibid. p. 18. Reenacted. ibid. p. 34.

Two Juſtices in each County particularly commiſſionated by the Governor for that Service, with ſix Freeholders, to be appointed by the ſaid Juſtices, ſhall try and determine all capital Offences committed by any Negroe; and their Judgment ſhall be executed by the Sheriff, ibid.

Convicted of capital Crimes, to be valued and the Owner paid, ibid. p. 109.

Negroes being exported out of this Province, by Judgment of that Court, returning, ſhall ſuffer Death. ibid. p. 35.

Negroes ſhall not carry any Guns or other Weapons, nor meet above four in Company, ibid. nor go about tipling, or be abſent after 9 at Night. ibid. p. 111. Their Puniſhments for firing Guns, or making other Fire-works ibid. p. 79. or hunting or chaſing Deer, Vol. 2. p. 31. offending againſt the Watch, Act. ibid. p. 63.

Found Ten Miles from home, without Leave in Writing, to be taken up and puniſhed. Vol. 1. p. 111.

No Perſon ſhall entertain other Peoples Slaves. ibid.

No Owner to permit his Negroe to ſeek his own Employ, ibid.

Perſons ſetting free any Negroe or their Executors, ſhall enter into Recognizance in the Sum of £ 30. for ſecuring the Place from ſuch Negroes becoming chargeable, ibid. p. 110.

Free Negroes neglecting to work and their Children, ſhall be bound out to work, ibid. and on entertaining Slaves or Servants, or trading with them, to pay Fines, and make Reſtitution, if unable to be ſold, ibid.

Two Acts for laying a Duty on Negroes imported, Vol. 1. p. 50. & 62. are repealed by the Crown, ibid. p. 52. & 74. Three Acts ibid, p. 64. 81. 109. are expired. and one Act, ibid. p. 115. is repealed by Act of Aſſembly, 1. *Geo.* 3.

The Duty on Negroes convicted, over and above the Duties, on other Negroes imported, Vol. 1. p. 110.

Negroes not to be joined in Marriage with white People. Nor to cohabit with them. ibid.

NOVA-SCOTIA

An Act for diſperſing the Inhabitants of *Nova-Scotia* imported into this Province, into the ſeveral Counties of *Philadelphia*, *Bucks*, *Cheſter and Lancaſter*, and the Townſhips thereof, and making Proviſion for the ſame. Vol. 2. p. 57. Expired and Repealed by Act of Aſſembly. ib. p. 71.

The Children of theſe People whoſe Parents do not maintain them, ſhall be bound out by the Overſeers of the Poor and the Terms of their Indentures are preſcribed. ibid. & p. 79.

The ſick and infirm People among them, ſhall be maintained by the Overſeers of the Townſhip wherein they are diſperſed, but at the Charge of the Province. ib. p. 71. by Order of the Provincial Commiſſioners. p. 79. 88.

NUSANCES

The ſeveral Town Magiſtrates of *Philadelphia*, *Cheſter*, *Briſtol and Lancaſter*, by their reſpective Charters are impowered to remove Nuſances, *Chart.* p. 12. 15. 17. 20.

Hay within 100 Foot of any Building in the City of *Philadelphia*, (except it be in a Stable) and any greater Number of Faggots than 200 ſhall be removed as a Nuſance. Vol. 1. p. 131.

Nuſances in the Publick Roads ſhall be removed. ibid. p. 7. & 8.

OATH

It ſeems that upon the Trial of High-Treaſon, the Judges Juries and Witneſſes muſt qualify themſelves by Oath; but upon the Trial of all other Crimes and Offences and Cauſes whatſoever either by Oath or by ſolemn Affirmation. Which Affirmation ſhall have the full Effect of an Oath. Vol. 1. p. 67. 100.

Acts allowing a ſolemn Affirmation inſtead of an Oath. (See Atteſts Affirmation)

Falſe Oath (See Perjury.)

OFFENCES

Petty Offences, *i. e.* Offences fineable 20 *s.* and leſs may be determined by one Juſtice of the Peace. Vol. 1. p. 2.

Two Acts for limiting the Preſentments of the Grand Jury. Vol. 1. p. 2. & 22. both Repealed by the Crown. ibid. p. 18. & p. 44.

OFFICERS

To be appointed *by the Governor*. The Officer for Trying and Sealing Weights and Meaſures in each County. Vol. 1. p. 10. The Regiſter-General. ib. p. 24. & 49. The Chief Judge and other Judges of the Supream Court. ibid. p. 84. All the Juſtices of the Peace. ibid. p. 83. The Juſtices of the Court of Common-Pleas. ibid. p. 86.

By the Aſſembly, The Officer of the Meat Act. Vol. 1, p. 112. of the Flour Act. ib. p. 135. of the Convicts Act. ibid, p. 147. who is alſo the Officer of the Palatines Act. Vol. 2. p 30. The Truſtees of the General Loan-Office. Vol. 1. p. 151. The Officers of the Exciſe Act. Vol. 2. p. 18. The Provincial Treaſurer. ibid. p. 70. The Officer of the Lumber Act. ib. p. 101.

By the Judges of the Supream Court, Their Prothonotary, Vol. 1. p. 85.

By the Court of General Q. S. Their Clerk. *Chart.* p. 9. The Rangers. Vol. 1. p. 98. The Overſeers of the Highways. ibid. p. 8.

By the Court of Common-Pleas. The County Appraiſers. Vol. 1. p. 3.

By the Corporation of Philadelphia. The Clerk of the Market. *Chart.* p. 19. Surveyors and Regulators for Partition Walls and Fences. Vol. 1. p. 75.

By the Freeholders of each Townſhip, The Powndkeeper, Vol. 1, p. 114.

ORPHANS,

ORPHANS [See Minors.]

ORPHANS COURT.

Is to be held by the Juſtices of the Q. S. for each County, in the ſame Week the Seſſions are held, or at any other Time, as they ſee Occaſion. Vol. 1. p. 54.

They are impowered to call to Account any Perſon that is intruſted with, *or anywiſe accountable for* any Eſtate belonging to any Orphan or Perſon under Age, ibid. and Adminiſtrators of Inteſtates Eſtates, ibid. p. 26. to oblige the Regiſter General or his Deputies, to tranſmit to their Court, Copies of ſuch Writings as relate to Eſtates of Orphans or Minors, ibid. p. 54. to oblige Adminiſtrators to give better Security: And upon Neglect thereof, or if the Adminiſtrator has imbezled the decedents Eſtate, by their Sentence to revoke his Letter of Adminiſtration, ibid.

To oblige as well an Executrix that is married or like to be married to another Husband, without ſecuring the Minors Portions, as alſo all other Executors to give Security for the Payment or Delivery of the Legacies or Shares of Eſtates, belonging to Minors, and for their Maintenance and Education, ibid.

to admit Minors to chuſe their Guardians and to appoint Guardians for ſuch as by the *Common Law* are uncapable of chuſing. ibid. p. 55. to direct the putting out Minors Apprentices. ibid. to ſend their Attachments for Contempt and force Obedience to their Orders by Impriſonment, or Sequeſtration of Lands or Goods. ibid. finally to ſettle the Accounts of Adminiſtrators and to make diſtribution of the Surpluſage of the Eſtate. ibid. p. 26. 55. and to ſettle and diſcharge the Accounts and Bonds of Guardians and other Perſons intruſted with Minors Eſtates. ibid. p. 55.

The Orphans Courts Proceedings to be Recorded in a Book. Vol. 2. p. 47.

An Act for the ſitting of the Orphans Court. Vol. 1. p. 9. Supplied.

OVERSEERS of the HIGHWAYS

For each Precinct to be appointed by the County Court in *September*, yearly. Vol. 1. p. 8.

The Duty of ſuch Overſeers, ibid.

OVERSEERS of the *POOR*,

Of the City of *Philadelphia*, and the ſeveral Townſhips and Diſtricts of this Province to be appointed yearly, by the Juſtices of the Peace, or City Magiſtrates on the 25th. Day of *March*, Vol. 1. p. 40. or in caſe of Death, *&c.* at any other Time. ibid, p. 141.

Theſe Overſeers are incorporated, Vol. 2. p. 25.

Shall for the Relief of the Poor, aſſeſs and rate the Inhabitants, (ſee Tax) and keep a regular Book, and deliver a Duplicate of the Aſſeſſments, to one of the Juſtices of the Peace and of the Monies received and expended by them: And to their Succeſſors, a Liſt of the Poor within their Precincts, and all original Certificates and Notices of Perſons coming from other Places to their Precincts, and the Books by them kept, together with the Monies remaining in their Hands, Vol. 1, p. 140. Vol. 2. p. 25. 27. And appoint Collectors of the ſaid Tax, Vol. 2. p. 26. Shall ſet to work poor Children, and put them out Apprentices, Vol. 1. p. 40, and in the City of *Philadelphia*, they ſhall ſet at Work any poor People, Vol. 2. p. 27, and receive the Rents of the Alms-houſe Ground, ibid. p. 26.

To ſettle their Accounts yearly, on the 25th. Day of *March*, before the Juſtices of the reſpective City and Counties, Vol. 1. p. 40. and 3 Days next after the ſaid 25th. Day in the Country, and at any Time within one Month after the ſame Day in the City of *Philadelphia*, ibid. p. 140, and to return one or more ſufficient Inhabitants, to ſucceed them for the enſuing Year, ibid. p. 140.

OUTLAWRY

Proceſs on Outlawry regulated. Vol. 1. p. 69.

PARTITION of INTESTATES LAND

May be ordered by the Orphans Court upon Petition preferred. (See Inteſtates, Orphans Court.)

PARTY WALLS in Philadelphia.

Shall be ſet out and regulated as to the Thikneſs thereof by the publik Surveyors and Regulators of the City, and ſhall be laid equally upon the Lands of the Parties: And the next Builder before he breaks into ſuch Wall, ſhall pay the half of the Charge of ſo much thereof as he ſhall have Occaſion for, to be valued by the Regulators. Vol. 1. p. 75.

PASSES. (See Departers.)

PEDLARS

No Perſons to follow the Buſineſs of Pedling without having firſt obtained a Recommendation from the Juſtices of the County Court, and the Governors Licence. Vol. 1 p. 117 But the carrying from Place to Place Goods of the Growth or Manufactory of this Province is not within the Meaning of Pedling. ib.

PERJURY.

All the Laws and Statutes of *Great-Britain*, for Puniſhment of Perjury and Subornation of Perjury, ſhall be obſerved in this Province, againſt thoſe that ſhall falſify their Oaths or Affirmations, or be convicted of Subornation of Perjury. Vol. 1. p. 67. 70.

Perſons convicted of falſe Affirming or declaring any thing which if ſworn, would have amounted to Perjury, ſhall be puniſhed as Perjurors. Vol. 1. p. 100. (29. 125.)

Witneſſes to a Deed making falſe Oath or Affirmation, in the Proof of ſuch Deed, ſhall be puniſhed as if they had forſwor'n themſelves on Record. Vol. 1. p. 60.

PEST-HOUSE

Sick and infectious Perſons imported into this Province ſhall by Order of the Governor, or of 2 Juſtices of the Peace, be brought to the ſaid Peſthouſe or Hoſpital, and there remain till they are free from any infectious Diſtemper and diſcharged by a Certificate from the Truſtees of the ſaid Hoſpital. Vol. 1. p. 156. & ſeq.

PETTY TREASON.

Judgment and Execution to be given and awarded as in *England*, Vol. 1. p. 67.

PHILADELPHIA.

The Charter of the City of *Philadelphia*, *Chart.* p. 10.
An Act for the better Government of the City of *Philadelphia*, Vol. 1, p. 49. Repealed by the Crown, ibid. p. 52. (ſee Mayor *&c.*)
The Inhabitants thereof ſhall chuſe 2 Perſons to repreſent them in Aſſembly, Vol. 1. p. 28. who ſhall be elected in the ſame Method as the Repreſentatives for the other Counties, ibid. p. 29.

PIPE STAVES,

An Act for viewing Pipe Staves, Vol. 1. p. 10. Supplied. (ſee Staves,)

PIRATES,

An Act againſt Pirates and Sea-Robbers, Vol. 1. p. 12. Repealed by the Crown, ibid. p. 19.

PLANTATION BONDS.

Shall be cancelled by the naval Officer on Return of the Certificate, Vol. 2. p. 48.

PLAYS.

An Act againſt Riots *&c.* Plays and Games, Vol. 1. p. 1. Repealed by the Crown. ibid. p. 18.
An Act againſt riotous Sports, Plays and Games, ibid. p. 22. Repealed by the Crown, ibid. p. 44. Re-enacted, ibid. p. 47. and again repealed. ibid. p. 51.
An Act for the more effectual ſuppreſſing and preventing of Lotteries and Plays. Vol. 2. p. 109. Repealed by the Crown. Vol. 1. p. 162.
(See Idleneſs,)

PLEADINGS.

Any Perſon may appear in Court, to plead his own Cauſe, and if unable by his Friends, Vol. 1. p. 12. The Method of Proceedings, ibid.

POOR.

The ſeveral Acts for Relief of the Poor, Vol. 1. p. 2. Obſolete, ibid. p 39. 72. 137. Vol 2. p. 25.
Infants, Lunaticks, maimed, aged, impotent, or vagrant Perſons, and ſuch others, as are likely to become chargeable, may not be imported into this Province: And the Juſtices of the City of *Philadelphia*, and of the ſeveral Counties of this Province, are impowered to oblige the Importer to give Security for indemnifying the Inhabitants of this Province. Vol. 1. p. 122.

Poor indigent and impotent Perſons, inhabiting within any Townſhip of this Province, ſhall be relieved by the Overſeers of the Poor. Vol. 1. p 40 Provided they have gained a legal Settlement in the ſame Townſhip. ibid. p. 72. But the Parents that are of Ability, ſhall relieve their Poor Children and Grand Children, and again the Children and Grand Children their Parents. ibid. p. 40.
It ſeems that in the general Senſe of the Law, Perſons gain a legal Settlement in their Native Place. Vol. 1. p. 73. But the Children of Perſons bringing a Certificate of their legal Settlement from any other Place, may be removed from the Place where they are born to the Townſhip from whence ſuch Certificate was brought. ibid. p. 139.
A legal Settlement is gained by *unmarried Perſons*, not having any Child or Children, by one Years Service, by Apprenticeſhip, by holding a publick Office in the Townſhip, by paying towards the County Tax, and Poor Tax: and *by other Perſons*, by taking a Leaſe of a Tenement of £ 5. per Ann: or by giving ſufficient Security. ibid. p. 72. But all ſuch Perſons muſt either by themſelves, or by the Perſons to whom they are bound, *&c*, give Notice within 5 or 10 Days, to the Overſeers of the Poor: And within the Space of 12 Months next after ſuch Notice given, ſuch Perſons may, upon Complaint of the Overſeers of the Poor, be removed to the Place of their legal Settlement. ibid, p. 138.
Mariners and Servants, and other healthy Perſons coming directly from *Europe*, and continuing to live for the Space of one Year in any Townſhip within this Province, ſhall gain a legal Settlement, in ſuch Townſhip, without any Notice to be given to the Overſeers of the Poor, Vol. 1. p. 138. Vol. 2. p. 25.
No Perſons ſhall receive Relief from the Overſeers before having obtained an Order from 2 Juſtices of Peace. Vol. 1. p. 40
Poor Perſons relieved by the Overſeers, ſhall wear a Badge of Letters cut in red or blue Cloath upon the Shoulder of the right Sleeve in an open and viſible manner, ibid. p. 73.

No Houſekeeper ſhall entertain any Perſon that has not gained a legal Settlement elſewhere in this Province without giving Notice in Writing, if in the City of Philadelphia within three Days, and if in the Country within 10 Days, to the reſpective Overſeers. ib. p 138.
Perſons required to return ſhall not gain a Settlement by their Continuance. Vol. 1. p. 72

Perſons that are like to become chargeable and are unable to give Security may be removed to the Place where they were laſt ſettled. p. 73. and ſhall be received by the Overſeers of the Place, to which they are removed. ibid.

The Mayor, Recorder, and Aldermen of the City of Philadelphia, ſhall have the ſame Power within the Limits of their Juriſdiction as the Juſtices of the Peace have by the ſeveral Poor Acts. Vol. 1. p. 41. 138. 140. 141.
(See Overſeers of the Poor.)

PORK [See Beef.]

POSSESSION

The Law about Seven Years Poſſeſſion. Vol. 1. p. 13. Rep. by the Crown. ib. p. 18.
Seven Years quiet Poſſeſſion of Lands, firſt entred into upon an equitable Right gives a Title to the ſame. ibid. p. 35.

POST-OFFICE.

An Act for erecting a Poſt Office, &c. Vol. 1. p. 6. obſolete.

POWDER (See Gunpowder.)

POWNDS

POWNDS

An Act for erecting and maintaining of Pewnds. Vol. 1. p. 75. Repealed, ibid. p. 115.
In each Townſhip ſhall be a Pownd and a Powndkeeper. Vol. 1. p. 114. The Charge for erecting and maintaining Pownds, ſhall by the Overſeers of the Poor, be aſſeſſed on the Inhabitants. ibid. p. 115.
Whoever ſhall take up any treſpaſſing Creature within his Incloſure ſhall give Notice to the Owner, and if no Owner can be found, or if the Owner refuſe to make Satisfaction for the Treſpaſs, to deliver the Creature to the Powndkeeper, who ſhall pay to the Takerup his Damages. ibid. p. 114.
No Perſon ſhall take away by Force any Creature impownded. ibid.

PRESENTMENTS.

An Act limiting the Preſentments of the Grand Jury, Vol 1. p. 2. Repealed by the Crown. ibid. p. 18. Reenacted, ibid, p. 22. and again Repealed, ibid, p. 44.
No Perſon ſhall be obliged to anſwer to any Preſentment, unleſs the Proſecutors Name be inſerted therein, ibid. p. 37.

PRINCIPALS. (See Acceſſaries)

PRISON-BREAKERS.

Shall not have Judgment of Life and Member for breaking of Priſon only, except the Cauſe of their Commitment did require ſuch Judgment upon their Conviction. Vol, 1. p. 69.

PRISONERS.

Shall be free as to Room, have Liberty to provide themſelves with Bedding, Food and other Neceſſaries, their publick Allowance ſhall be 2d. per Day. Vol. 1. p. 37 126. & ſeq. may not be carried by the Sheriff, &c. to any publick-houſe without their own Conſent.
(See Criminals, Inſolvents,)
Priſons ſhall be Work-houſes for Felons, *&c.* till others are provided, Vol. 1. p. 37,
Priſon Fees ſhall be ſettled by the Juſtices, and may be altered and amended by the Judges of the Supream-Court, ibid, p, 127.

PRIVATE ACTS

An Act for the veſting the Houſe and Lot &c. of *William Clark*, &c. in Truſt. &c. Vol. 1. p. 74. Repealed by the Crown. ibid. p, 75.
An Act for veſting the Lands and Lots commonly called the Lands of *the free Society of Traders in Pennſylvania* in Truſtees to be ſold, &c. ibid, p. 91.
An Act for the Relief of *Benjamin Mayne*, with reſpect to the Impriſonment of his Perſon, ibid, p, 132,
An Act for the more effectual veſting and ſettling certain Lands in *George M'Call*, &c. ibid, p, 14,
An Act for the Relief of *George Croghan* and *William Trent*, for and during the Space of ten Years. Vol, 2, p 57, Repealed by the Crown. We could not get Sight of this Repeal.
An Act for the Relief of *Joſeph Yeates*, &c. ibid, p, 71,
An Act to enable *Richard Hill* and *Samuel Preſton Moore* and *Hannah* his Wife, to comply with &c. certain Articles of Agreement &c. ibid, p. 79

PROCESS of COURT.

An Act for reſpiting Executions upon certain Judgments of Courts in this Province, Obſolete. Vol. 1. p. 91.
An Act directing the Proceſs of Summons againſt Freeholders. ibid. p. 95. Repealed by the Crown, ib. p. 97. and by Act of Aſſembly, ibid. p. 107.
An Act for reviving and continuing the Proceedings of the Courts of Judicature within this Province. ibid. p. 132.

PROPHANE SPEAKING.

[See Blaſphemy]

PROPRIETARY.

An Act for the Preſervation of the Perſon of the Proprietary and Governor. Vol. 1. p. 4. Repealed by the Crown, ibid. p. 18.
An Act for granting and raiſing to the Proprietary and Governor, the Sum of £2000. *&c.* ibid. p. 12, And an Act for collecting the Arrears of £2000. granted to the Proprietary, ibid. p. 43. are expired.
(See Governor.)
Proprietary Quit-Rents. (See Quit-Rent.)
The Proprietary and Governors proper Eſtate, ſhall not be rated in the County Tax, Vol. 1. p. 102.
Nor the Proprietaries Eſtate, in the Provincial Tax, in Conſideration of their free Gift of £5000. Vol. 2. p. 53. but afterwards their Eſtate is made rateable, ibid. p. 92. 95. & ſeq. ſee Vol. 1. p. 162. & ſeq.

PROVENDER. (See Liquors.)

PROVINCE ISLAND.

An Act for veſting the *Province Iſland* and the Buildings thereon erected and to be erected in Truſtees, *&c.* Vol. 1. p. 154. (See Peſthouſe)

PROVISIONS.

The Combinations and evil Practices of Brewers, Retailers, Victuallers, and Butchers, to advance the Price of the Grain and Proviſions, ſhall be proceeded againſt according to the Laws and Statutes in *Great-Britain*, Vol. 1. p. 83. (See War)

PUBLICK-HOUSES.

An Act, that no Publick-houſe or Inn within this Government be kept without Licence. Vol. 1. p. 10. Repealed by the Crown, ibid. p. 19. Reenacted, ibid. p. 46.

No Perſon ſhall keep any Publick-Houſe or Beer-Houſe in any County of this Province, or in the City of *Philadelphia*, without being firſt recommended by the Juſtices of the Q. S. in the ſaid Counties or City reſpectively to the Governor for his Licence, Vol. 1. p. 46. 82. Nor ſhall continue ſuch Publick-houſe after Suppreſſion or Expiration of his Licence, without obtaining a new Licence, ibid.

No ſuch Recommendation ſhall be iſſued, before the Perſons requeſting to be licenſed, ſhall become bound to the Governor for good Behaviour and due Obſervance of all Laws and Regulations, in Reſpect to Publick Houſe-keepers and Retailers of Beer, ibid. p. 77

82. Nor ſhall any Recommendation be granted to ſuch Perſons for renewing their Licenſes, without a Certificate being ſhewn to the Court, that ſuch Retailer has paid the Duties to the Collector of the Exciſe, Vol. 2. p. 69.

No Sheriff, Under-ſheriff, or Goaler, ſhall keep Publick-houſe, &c. Vol. 1. p. 127.

Perſons ſo licenſed, ſhall not ſuffer Drunkenneſs or unlawful Games in their Houſes, ibid. p. 46. 82.

Shall not entertain or truſt any Minor or Servant for any Sum, nor any other Perſons for more than 20*s.* nor to any Mariner above 5*s.* ibid. p. 36.

Shall not entertain any Negroe or Indian Slave, nor ſell any ſtrong Liquors to them, either within or without Doors, ibid. p. 77. Shall keep good Entertainment for Man and Horſe, ibid. p. 46.

No Perſons, but ſuch as are licenſed, ſhall ſell (under Permit) any Spirits, Beer, Cyder, &c. to be drunk, in or near their Houſes by Companies, nor out of their Houſes by ſmall Meaſure. ibid. p. 77.

Keepers of Inns or Beer-houſes, brewing their own Beer ſhall not uſe any Meaſſes, &c. (See Brewers)

The Juſtices of the Counties and of the City of *Philadelphia*, are impowered to ſuppreſs common ſelling of Wine, Spirits and Beer in Publick houſes, &c. ibid. p. 82.

PUMPS. (See Watch.)

QUAKERS,

The Form of their Declaration of Fidelity, Vol. 1. p. 99. of an Affirmation, ibid. and of a Recognition for the Effect of the Abjuration-Oath, ibid. The ſaid Forms to be allowed to *Quakers* by all Perſons, and on all Occaſions, ibid. & p. 100.

The Act allowing the Forms therein preſcribed, is confirmed by the King in Council, *March* 27th. 1725. and the Royal Confirmation is on Record, A. Vol. 2. p. 320.

QUARE CLAUSUM FREGIT.

(See Treſpaſs)

QUIT-RENTS.

To the Proprietary, to be paid by every Freeholder and others, that poſſeſs and claim Lands, according to their Tenures, on ſome Day in the Month of *March*, to the Proprietaries Receiver General, or his Deputies at the Place mentioned in the Grants or Patents. Vol. 1. p. 31. & ſeq.

Upon Failure, the Receiver General may immediatly diſtrain for the ſame, and if no Diſtreſs can be found, Suit may be brought in the Name of the Proprietary againſt the Tenant in an Action of Debt. ibid.

But for Arrearages of Quit-Rents, the Receiver may not diſtrain or ſue within *ſix Months* after Demand made, or ſuch Notice given. ibid. p. 32.

The Arrearages of the Proprietaries Quit-Rents may be ſued for in an Action of Debt at any Time after the Cauſe of ſuch Action, without Limitation. Vol. 1. p. 53.

The Payments of Quit-Rents, ſhall be enterd in a fair Roll, to be kept for every County, with each Townſhip, which ſhall be ſubjected to the View of every Perſon as far as they relate to the Lands claimed, and the Entries in the ſaid Books, ſhall be Proof of Payment made, in Caſe the Tenants have loſt their Receipts. ibid. p. 32.

If no Receipts can be produced nor Entry of Payment can be found, and the Tenant inſiſts upon that he has paid, The Receiver may not diſtrain, but may ſue for the ſame: And the Tenant is allowed to give his own Affirmation with probable Circumſtances in Evidence to the Jury, ibid.

On every Alienation of Part of Lands granted by the Proprietary, the Quit-Rent ſhall be apportioned, ibid. ſo that of ſuch Alienation, the Receiver ſhall have Notice and enter the ſame in the proper Roll, *Provided*, that no leſſer Proportion ſhall be paid than 1*s. Sterling*, or one Buſhel of Wheat. ibid. p. 33. except Alienations made before the Year 1706.

Non Reſidents being Owners of unimproved Tracts of Land being 3 Years in Arrear with their Quit-Rents, ſhall be ſued by the County Clerk in the Name of the Proprietary, and recovered as other Debts by extending the Land, &c. ibid.

An Act for Recovering the Proprietaries Quit-Rents, Vol. 1. p. 147. Expired.

RANGERS.

No Perſons ſhall range the Woods for Horſes, without Licence from the Juſtices of the Q. S. Vol. 1. p. 98. [See Horſes.)

RAPE.

An Act againſt Rape or Raviſhment, Vol. 1. p. 1. Rep. by the Crown. ibid. p. 18.

Judgments and Executions for Rape, ſhall be as in *England*, Vol. 1. p. 67. Attempt of Rape in Negroes ibid. p. 35. *The Counties Vol. 2. fo 32*

RECEIVER GENERAL.

Shall be appointed by the Proprietary or by his Commiſſioners of Property, and the Receiver General's Commiſſion, and his Deputations to the ſeveral Collectors of *Quit-Rents*, ſhall be Recorded in the Inrolements Office of every County. Vol. 1, p. 31.

Shall ſit on ſome certain Days in the Month of *March* yearly at ſuch Places in the reſpective Counties, as in the Proprietary's Patents is ſpecified, giving 10 Days publick Notice, ibid.

RECOGNIZANCES.

Taken, ſhall be certified in the next Court of Q. *S.* or Supream Court, Vol. 1, p. 83. and when forfeited in the Supream Court. [See Eſtreats]

RECORDING.

An Act about the Recording of Deeds. Vol. 1. p. 2. Rep. by the Crown, ibid. p. 18.

Two Acts for the Acknowledging and Recording of Deeds. ibid. 28. & 46. Repealed by the Crown. ibid. p. 44. & 51.

Offices eſtabliſhed in the ſeveral Counties of *Philadelphia*, *Bucks* and *Cheſter*, for Recording all Deeds and Conveyances brought to the Officer thereof. Vol. 1. p. 59. & ſeq.

The Officers or Recorders of Deeds to be *Charles Brockden*, for the City and County of *Philadelphia*, and the ſeveral Protonotaries of *Bucks* and *Cheſter* for the ſaid reſpective Counties. Which Officers may be removed, and others put in their Places by the Juſtices of the Q. S. in the ſaid Counties, ibid.

All

All Deeds to be Recorded, ſhall be firſt acknowledged or proved. (ſee Acknowledging Deeds)
Mortgages to be Recorded, (ſee Mortgages)
Falſifying of Records, (ſee Forging,)
An Act for Recording of Warrants and Surveys, and for rendring the Real Eſtates and Property within this Province more ſecure. Vol. 2. p. 110. Repealed by the Crown, Vol. 1. p. 162.

REFERREES.

The Award or Report of Referrees mutually choſen by the Parties or their Attornies in open Court, being made according to the Submiſſion of the Parties, &c. ſhall *in Matters of Accompt* have the ſame Effect as a Verdict of 12 Men. Vol. 1. p. 37.
In Actions of Debt from 40 *s.* to £5. the Parties are allowed to appeal to the Court of C. P. Caſes determined on the Return of Auditors or Referrees only excepted. Vol. 2. p. 10.

REGISTER GENERAL.

The Governor ſhall appoint a *Regiſter General*, who ſhall keep his Office at *Philadelphia*, and conſtitute Deputies for the ſeveral Counties. They are impowered to take Probates of Wills, and grant Letters of Adminiſtration, ſhall be qualified either by the Governor, or in the Orphans Court, and enter in Bond with Security, ſhall uſe one common Seal. Vol. 1. p. 24. & ſeq. ibid. p. 49.
On granting Letters of Adminiſtration, ſhall take Bond with at leaſt two able Securities. ibid. p. 25.
With the Aſſiſtance of 2 Juſtices of the Court of C. P. ſhall decide Caveats againſt proving Wills, or granting Letters of Adminiſtration, ibid. p. 50.

REGISTRY.

Kept by any religious Society in their Meeting-Books of Marriages, Births or Burials to be held authentick on all Occaſions. Vol. 1. p. 10. 14.

REGULATORS.

Of Party-Walls, and Partition-Fences in the City of *Philadelphia*, to be appointed by the Mayor and Commonalty of the City of *Philadelphia*. Their Power, Duties, Fees, *&c.* Vol. 1. p. 75 & ſeq.

RELIGIOUS SOCIETIES,

An Act for impowering religious Societies, to buy Lands *&c.* Vol. 1. p 50. Repealed by the Crown, ibid. p. 52. Reenacted, ibid. p. 56. And repealed. ib. p. 74, and again Reenacted. ibid. p. 128.
Any religious Society of Proteſtants may take by Gift, Grant or otherwiſe any Lands for Burrying-Grounds, erecting of Churches, Houſes of Worſhip, Schools and Almshouſes, and hold the ſame for the Uſes aforeſaid, but for no other Uſes whatſoever, ibid. p. 129.

RELIGIOUS WORSHIP.

No Inhabitants ſhall be compelled to *frequent* or *maintain* any Place of religious Worſhip or Miniſtry whatſoever. Vol. 1. p. 19. (See Sundays.)

RENT.

One Years Rent due by an inſolvent Debtor, ſhall no be diſcharged by the Act of Inſolvency. Vol. 1. p. 126
Juſtices of the Peace and City Magiſtrates, may not hear any Debts for Rents. ibid. p. 62.

REPEALS of ACTS of ASSEMBLY.

Vol. 1. p. 16. 44. 51. 74. 75. 97. 158. & ſeq.
All Laws repealed by the King in Council, though not under the Privy-Seal, ſhall be void. ibid. p. 137.

REPLEVIN.

The Juſtices of the Court of C. P. may grant Writs of Replevin in all Caſes where the ſame may be granted by Law in *England*, Vol. 1. p. 33. 86.

REWARDS.

For taking up Boats or Canoes, Vol. 1. p. 1. for taking up Runaway Servants, ibid. p. 5. for killing Blackbirds, ibid. p. 15. Crows, Wolves, and Foxes, ibid. p 102. 115. for diſcovering Counterfeiters of Bills of Credit, ibid. p. 154. Vol. 2. p. 3. 66. for diſcovering the Selling of Rum to *Indians*, Vol. 1. p. 87.

RIOTS RIOTERS.

An Act againſt Riots, Rioters, riotous Sports, Plays and Games. Vol. 1. p. 1. Repealed by the Crown. ib. p. 18. (See Plays.)
Riot is the Meeting of three or more Perſons, with any hurtful Weapon, to the Terror of the Inhabitants, and committing or deſigning to commit Violence or Injury upon the Perſon or Goods of any Inhabitants, Vol. 1. p. 22. ſuch Rioters to be puniſhed according to the Laws of *England*, ibid.

ROADS.

The Juſtices of the Q. S. upon Petition preferred to them, are impowered to lay out Roads from or to any dwelling Place, to or from the Highway, Vol. 1. p. 7. 144.
Such Road to be firſt viewed by ſix ſufficient Houſekeepers of the Neighbourhood, and agreed to, by four of them. ibid.
Their Breadth was formerly limited to 50 Feet, now to 33 Feet, and is to be ordered by the ſaid Juſtices, ib. p. 7. and 145.
If ſuch Roads are laid out thro' any Mans improved Ground (which is not to be done without there is a Neceſſity for it) then the Land, ſhall be valued by ſix indifferent Perſons, to be appointed by the Court, and the Price paid to the Owner thereof, ibid. p. 7. by the Perſons, at whoſe Requeſt and for whoſe Uſe the ſame was laid out &c. ibid. p. 145.
Such Roads ſhall be recorded, and be publick Roads, and cleared and maintained by the Perſons uſing the ſame, to and from their Dwelling, ibid p. 7 & 145.
Stopping the ſame, or committing any Nuſance therein, incurrs a Fine. ibid. p. 7.
All Trees, Stumps, and other Incumbrances in the Highways, ſhall be removed, and all Paſſages in and out of all Creeks in the King's Road and other Roads, ſhall be made ſafe and eaſy, ibid. p. 8.
No travelling Waggon, Cart, or other Carriage going from or coming to the City of *Philadelphia*, between the Rivers *Delaware* and *Schuylkill* in the County of *Philadelphia*, carrying any Burden, ſhall be drawn in

any

any Highway or Road with above three Horſes or Oxen at Length. Vol. 1. p. 41.

ROBBING.

An Act againſt Robbing and Stealing, Vol. 1. p. 1. Repealed by the Crown. ibid. p. 18. Reenacted, ibid. p. 19. and repealed by Act of Aſſembly, ibid. p. 72.
Robbery is done by aſſaulting another on or near the Highway, putting him in Fear, and taking from his Perſon Money or other Goods. ibid. p. 67. Judgment and Execution for Robbery to be as in *England*, ibid.
Negroes Robbing, how to be puniſhed. ibid. p. 35.

RUM, See Liquors.

SCOLDING

An Act againſt Scolding. Vol. 1. p. 9. Rep. by the Crown, ibid. p. 18.

SEALS

(See County Seals, Counterfeiting.)

SEDITION

An Act againſt Sedition ſpreading Falſe-news and Defamation, Vol. 1. p. 1. Rep. by the Crown. ibid. p. 18.

SERVANTS

Maſters of Veſſels and others, importing Servants and other Paſſangers by Land or Water, ſhall within 24 Hours after their Arrival make Entry with the proper Officer, (See Convicts) and give upon Oath or Affirmation a true Account of all Servants and Paſſengers by them imported: And the Magiſtrates of the Place, upon Examination of the Maſter, ſhall grant a Certificate, containing the Names of all ſuch Servants or Paſſengers, which they ſhall judge fit to be landed or diſpoſed of as Servants. Vol. 1. p. 122.
Servants bound to ſerve their Time in this Province ſhall not be ſold out of the ſame, without their Conſent, and the Conſent of two Juſtices of the Peace, of the County where ſuch Servant is ſold. Vol. 1. p. 5.
Nor may they be ſold or aſſigned to Perſons in this Province, but before one Juſtice of the County. ibid. p. 5. and in the City of *Philadelphia*, before the Mayor or Recorder. ibid. p. 123.
Serving 4 Years or more, how to be cloathed and furniſhed. ibid p. 5.
Running away, ſhall ſerve five Days for every Days abſence, and make further Satisfaction for Damages and Charges: but this is to be ordered by the County Court. ibid.
Penalty on Servants marrying without the Conſent of their Maſters, and on free Perſons marrying with ſuch Servants. ibid. p. 14.
A Servant Woman having a Baſtard Child, ſhall make Satisfaction by Servitude to her Maſter for the Damage. ibid. p. 21.
Servants may not be entertained nor truſted by any publickhouſekeepers. ibid. p. 77.
Concealing or entertaining other Mens Servants 24 Hours incurrs a Fine of 20*s.* for every Days Concealment. ibid. p 5.
Perſons clandeſtinely dealing with Servants forfeit treble the Value of the Goods to the Owner thereof and the Servant ſhall make Satisfaction by Servitude to double the Value thereof. ibid. p. 6.
Hired Servant Men ſhall be rated in the County Tax, Vol. 1. p. 104. and alſo in the Provincial Tax, Vol. 2. p. 53.
Servants convicted, (ſee Convicts.)

SHERIFFS and CORONERS

The Freeholders of the ſeveral Counties ſhall at the Time and Place of Election of Members of Aſſembly chuſe two Perſons for Sheriffs, and two for Coroners, and the Governor is to commiſſionate one of them reſpectively: and if Sheriffs or Coroners die &c. the Governor is to diſpoſe of their Places, Vol. 1. p. 43. & ſeq. ibid. p. 63. but one of the Sheriffs ſo returned ſhall not ſerve as Under-Sheriff to him who gets the Governors Commiſſion. ibid. p. 130.

If the Freeholders neglect to chuſe Sheriffs and Coroners then the old ones ſhall remain in the Office, ibid, p, 43. but no Sheriff ſhall continue in his Office above three Years, ibid, p, 127 130.
Bribery at the Elections of Sheriffs and Coroners. (See Bribery.)

The Sheriff of the County of *Philadelphia*, ſhall be the Water Bailiff throughout the Province, and ſhall reſide in the City of *Philadelphia*, and he as well as the Coroner of the ſaid County ſhall be the Officers for the ſaid City. Charr, p, 12, Laws, Vol. 1, p, 44,
Sheriffs and Coroners ſhall make and ſubſcribe the ſame Declarations of Fidelity and Profeſſion of Faith as Members of Aſſembly. ibid.
The Sheriffs ſhall give Bond. ibid. p. 43. Which Bonds may be ſued by Perſons grieved and Damages recovered: The Proceedings on ſuch Suit. ibid. p. 44.
Ten Days before Court, the Sheriff ſhall ſummon a ſufficient Number of Freemen to attend for the Service of the County. ibid. p. 13.
He ſhall pay the Reward to the Takerup of a Runaway Servant and give Notice to the Maſter of ſuch Servant, ibid. p. 5,
No Sheriff ſhall keep a Publick-houſe, &c. ibid. p. 27.

SHIPS, SHALOPS,

(See Veſſels, Maſters of Ships.)

SLANDER

(See Damages, Limitation of Actions.)

SODOMY

Perſons convicted of Sodomy or Buggery, their Counſellers, &c. ſhall ſuffer as Felons according to the Statutes made in *Great-Britain*. Vol. 1. p. 67.
(See Inceſt.)

SPECIAL COURT

(See Court of Common-Pleas.)

SPECIALTIES. (See Bonds.)

SQUIR-

SQUIRRELS

An Act to encourage the killing of Squirrels within this Province. Vol. 2. p. 23. expired. An Act for amending the ſaid Act. ibid. p. 30, alſo expired.

STABBING

An Act of Parliament againſt Stabbing extended and limited. Vol. 1. p. 68.

STATEHOUSE

The State houſe and Lot of Ground thereunto belonging is veſted in Truſtees for the Uſe of the Repreſentatives of the People in General Aſſembly, and for ſuch other Uſes as the ſaid Repreſentatives ſhall from time to time direct. Vol. 1. p. 145. & ſeq.

STATUTES

Or Acts of Parliament *have been adjudged* not to extend to theſe Plantations, unleſs they are particularly named in ſuch Acts. Vol. 1. p. 67. Wherefore ſeveral of theſe Statutes are extended. ibid. p. 67. 68. 70. 83. *& alibi.*

STAVES

An Act for viewing Pipe-Staves Vol. 1. p. 10. ſupplied.

No Staves, Headings, Boards, Plank or Timber ſhall be exported out of this Province, without being firſt examined by the Officer. Vol. 2. p. 100.

The Dimenſions of Pipe Staves, Hogshead Staves and Barrel Staves and of Heading, ibid.

STEALING, [See Robbing, Larceny.]

STEEL-YARDS and SCALES.

In reſpect of their Difference an Allowance of 5 Pounds in every Draught of Tobacco is ſettled. Vol. 1. p. 11.

STREETS.

An Act for the Regulating of Streets and Watercourſes in the Cities and Towns of this Government. Vol. 1. p. 6. In the ſeveral Editions of our Laws of *A.* 1714. 1728 & 1742. it is ſaid this Act is repealed. *Summons. v. Proceſs.*

SUNDAYS.

On that Day all People ſhall abſtain from Toil and Labour. Vol. 1. p. 19.

No Tradeſman and others ſhall do any Work of their ordinary Callings, *Except*, 1.) Works of Neceſſity and Charity. 2.) dreſſing Victuals in Families and Publick-houſes. 3.) Landing Paſſengers. 4.) killing and ſelling Meat and Fiſh in the three Summer Months 5.) Crying Milk. ibid.

No Writs, Warrants, Judgments or Decrees ſhall be ſerved or executed, except in Caſes of Treaſon, Felony or Breach of the Peace. ibid. p. 20.

Perſons drinking or tipling in Publick-houſes, to be diſperſed by the Conſtable and fined: and the keepers of ſuch Houſes that countenance ſuch Practices to be fined. ibid.

Hunting on Sundays. (See Hunting.)

SUPREAM COURT

To be held at *Philadelphia*, twice in every Year by any two of the Juſtices of the ſame Court. This Court is impowered to hear and determine all Cauſes, by Writ of the ſame Court removed from the Courts of Q. S. and C. P. in the ſeveral Counties, and from the City Court: To reverſe or affirm the Judgments of the inferior Courts: to examine and puniſh all Officers of Courts for Default &c. to award Proceſs for levying Fines: and (if occaſion require) to go the Circuit twice in every Year, to try the Iſſues *in Fact* in the Counties from whence the Cauſe was removed Vol. 1. p. 84. 85.

The Judges of the Supream Court ſhall have Power to deliver the Goals of Perſons committed for Treaſon, Murther and other Felonies of Death. ibid. And to hear and determine all ſuch Felonies committed in the Outparts of the Province by a Jury of the City and County of *Philadelphia*. ibid. eſpecially Felonies committed by Indians. Vol. 2. p. 4.

The Powers of the Supream Court are extended to the new Counties. Vol. 2. p. 23. 28. 36. 38.

Appeals to and from the Supream Court allowed.

(See Appeals.)

SWEARING (See Curſing.)

SWINE

Two Acts for preventing Swine running at large. Vol. 1. p. 10. & 15. Repealed by the Crown. ibid. p. 18.

No Swine to run at large without Rings and Yokes within fourteen Miles of the navigeable Parts of Delaware. Vol. 1. p. 42. nor any where elſe within the Province. ibid. p. 115. But in the Towns of *Philadelphia*, *Cheſter* and *Briſtol*, no Swine whether yoked and ringed or not ſhall go at large. ibid, p. 42.

Swine unyoked, being found on any Mans Ground in the Country, may be taken up or killed by the Owner of ſuch Land; who paying to a Juſtice of the Peace the half Part of the Value of ſuch Swine, ſhall have the ſame in Property. ibid. But Swine running at large in any of the ſaid Towns, may be taken up, and ſhall be forfeited the half Part to the Taker up, and the other half Part to the Overſeers of the Poor. ibid,

TAX

Six Acts for raiſing and levying *County Taxes*, and for Collecting the Arrearages thereof. Vol, 1, p, 3, 10. 42, 47, 66, 83. are ſupplied and repealed by Act of Aſſembly. ibid, p. 106.

The Counties ſhall be divided into Diſtricts for Collecting the County Tax, Vol, 1, p, 103.

The Rates in the County Tax ſhall not exceed 3d. in the Pound and 9s. per Head. ibid, p, 102.

County Taxes may be paid either in Money or Wheat. ibid, p, 103. within 30 Days after Demand made. ibid,

The Uſes to which County Taxes ſhall be applied. ibid. p, 101, 102, 134,

Ten Acts for laying *Provincial Taxes* and for Collecting the Arrearages thereof, Vol, 1, p, 12, 43, 44, 47, 62, Expired,

The Provincial Tax ſet by the Sixty Thouſand Pounds

Act was ſixpence in the Pound on all Eſtates, and Ten Shillings per Head on all ſingle Freemen not otherwiſe rated. Vol, 2, p, 53. To which by a Supplementary Act was added 1s. in the Pound and 10s. per Head, ibid, p, 74, and continued. ibid, p, 84, 92.

The Provincial Tax ſhall be aſſeſſed and levied in the ſame Manner as the County Levies. Vol. 2. p, 53.

Provincial or County Taxes aſſeſſed upon Lands of Perſons not reſident in this Province, and in Arrear for the Space of three Years or more, ſhall be recovered at the Suit of the County Clerk by Execution upon the ſaid Lands. Vol, 1. p. 33. But the late Provincial Taxes may be levied immediatly after they become due by Sale of the Lands. Vol. 2. p. 55.

Poor Tax to be laid by the Overſeers of the Poor of the ſeveral Townſhips, and the City of *Philadelphia*, to be approved of by the reſpective Juſtices and Magiſtrates, Vol. 1. p. 40. Three pence in the Pound and 9s. per Head, ibid. p. 140. not to exceed the Rates and Aſſeſſments made for the County Tax. Vol 2. p. 25. (See Overſeers of the Poor.)

City Tax in *Philadelphia*, to be laid in the Manner of aſſeſſing County Levies. Vol. 1. p. 48. not to exceed Two pence in the Pound and 8s. per Head, ibid, Perſons not rateable in the Poor Tax may not be rated in the City Tax. ibid, The Inhabitants of the City of *Philadelphia* ſhall pay their Proportions towards the County Tax. ibid. p. 49. The Uſes for which the City Tax is appropriated. ibid. p 47.

Tax for Lamps and Watch, in the ſame City, to be laid by the Wardens and Aſſeſſors of the ſaid City. Vol. 2. p. 59, not to exceed 4d. in the Pound. ibid. p. 90.

TENDER.

The Party, who upon a Tender of full Payment refuſeth to accept thereof, and yet afterwards ſueth, ſhall not recover any Coſt of Suit. Vol. 1. p. 37.

Bills of Credit, a lawful Tender, (See Bills of Credit,)

THREATNING.

Perſons threatning another to wound, kill or deſtroy or to do him any Harm in Perſon or Eſtate, ſhall be bound over to their Appearance, to the Peace, and to good Behaviour. Vol. 1. p. 2.

TIMBER.

Cutting Timber on another Perſons Land without his Leave ſhall forfeit £5. for every Black-walnut, and 50s. for every other Timber Tree. Vol, 1. p, 12.

Timber for Exportation, (See Staves.)

TOBACCO.

Shall be honeſtly packed in Casks of the ſame Dimenſions as in *Maryland*, and truly tared. Vol. 1. p. 11.

No Perſon ſhall ſmoak Tobacco in the Streets of *Philadelphia*, either by Day or Night. ibid. p. 15.

TRADE.

It ſeems *Agriculture* is the chief and firſt Conſideration of the Royal Grant to the Proprietary. *Chart.* p. 1. by him ſought and obtained for the People, namely to ſettle themſelves, dwell and inhabit, and *PLANT*, for the Publick and their own private Advantage, ibid. § 8. p. 3. The firſt Agreement of the Proprietary, with the Adventurers and Purchaſers was, to *PLANT* or man within 3 Years, what ſhould be ſurveyed to them, or elſe it ſhould be lawful for *New-Comers* to ſettle thereon. ibid. p. 7. There was formerly a *Right of Occupancy and Improvement* acknowledged by the Legiſlature of this Country. *Append.* p. 14, 17. And that the Value of Lands in this Province is the Effect of the Peoples Labour. *Laws* Vol. 1. p. 45. (See Lands, Taxes)

Certain Perſons are reſtrained from certain Trades. The Officer for executing the Flour Act for the City and County of *Philadelphia*, ſhall not deal in Flour. Vol. 1. p. 136. The Officer of the Exciſe Act in Liquors, Vol. 2. p. 70, the Officers of the Lumber Act, in Lumber ib. p. 101. Sheriffs, Under-Sheriffs, Goalers ſhall not keep Publick-Houſe, Vol. 1. 127. Tanners ſhall not uſe the Trade of a Shoemaker or Currier. ibid. p. 79.

Certain Trades are regulated by Law. (See Bakers and Bolters, Beef and Pork, Bread, Brewers, Coopers, Flour, Gun-powder, Horſes, Indians, Leather and Shoes, &c. Liquors, Millers, Pedlars, Proviſions, Tobacco.)

Five Acts for Encouraging the raiſing of Hemp. Vol. 1. p. 88. 107. 111. 128. 132. *Expired* and *Repealed*.

Two Acts for Encouraging the Trade of this Province, ibid. p. 63. 95. are obſolete.

An Act for prohibiting the Importation of Germans or other Paſſengers in too great Number in any one Veſſel, Vol. 2. p. 29.

TREES.

Trees for Landmarks, (See Landmarks)

Cutting Trees, (See Timber.)

TRESPASSES.

Done by breaking through a lawful Incloſure, ſhall be made good by the Owner of the treſpaſſing Creatures, Vol. 1. p. 7. but Creatures, (except unyoked Swine) breaking thro' an inſufficient Fence may not be killed or hurt by the Owner of the Land. ibid. (See Pownds)

In all Actions of Treſpaſs *Quare Clauſum fregit*, the Defendant is allowed to diſclaim all his Title to the Lands treſpaſſed on, and plead that the Treſpaſs was involuntary and offer Amends. Vol. 1. p, 53.

TRIALS

The Law about Trials by twelve Men. Vol. 1. p. 12. Rep. by the Crown. ibid. p, 18.

Trials by Oath or Affirmation. (See Oath)

Trials for Felonies commitred beyond the certain Limits of a County ſhall be held at *Philadelphia*, by a Jury of the City and County of *Philadelphia*. Vol. 1. p. 85. This Law is ſince extended to the Trial of Felonies commitred by Indians in the remote Parts of the Province. Vol. 2. p. 3.

TRUSTEES of the GENERAL LOAN-OFFICE

Are enabled to hold Lands in Mortgage, and to ſell the ſame Lands on Default of Payment, Vol, 1, p, 150.

Shall be appointed by the Aſſembly, ibid, p, 151. Vol. 2. p, 1, and continue in their Office 4 Years, Vol. 1. p, 151, Vol, 2, p. 1. 6, 19, Shall not be diſcharged till they have accounted for and delivered up all the Monies and Securities in their Hands. Vol, 1, p, 151, Each of them to give Security for £3000 and

and be qualified. ibid. & Vol, 2, p, 19. & 52, Their Qualifications to be Recorded in the Records Office in *Philadelphia*. ibid, Their Salary, Vol, 1, p, 153, Vol, 2, p, 1, 7, 25, Shall exhibit their Accounts unto, and ſettle with the Committees of Aſſembly. ibid, ſhall appoint a Clerk, his Duties, Fees, Oath. Vol, 1, p, 153, & ſeq. Vol, 2, p, 2, 20,

VENDUES

No Perſons ſhall ſell any Goods, Wares or Merchandizes in the City of *Philadelphia*, but the Vendue Maſter, who ſhall be recommended by the Magiſtrates of the ſaid City, and licenſed by the Governor. Vol, 1, p, 118.

Judicial Officers; Landlords, Executors or Adminiſtrators may ſell in the ſaid City Goods and Chattels by them taken in Execution, diſtrained, or committed to their Adminiſtration, reſpectively. ibid,

No Perſon ſhall give or ſell ſtrong Liquors at the Time of Vendues to Perſons attending the ſame. Vol, 2, p, 34.

VESSELS

An Act requiring all Maſters and Commanders of all Ships and Veſſels to make Report at the Town of *New Caſtle*, &c, Vol, 1, p, 9. Repealed by the Crown. ibid,

Sickly Veſſels ſhall not come nearer than one Mile to any Town or Port, nor ſhall their Paſſengers be landed without Licence from the Governor or any two Juſtices of the Peace. Vol, 1, p, 9, 154.

Setting a Drift a Veſſel, (See Boats)

Setting Veſſels a Fire, (See Burning)

No Shallop or Boat paſſing between this and the Province of *New Jerſey* or the three lower Counties, ſhall pay for entring and clearing, and ſhall have one general Permit for all Goods ſhipped on Board. Vol, 2, p, 48.

WAR

Three Acts againſt the Exportation of Proviſions and Warlike Stores. Vol, 2, p, 51, 57. Expired

An Act for regulating ſuch as are deſirous to be united for military Purpoſes, &c. ibid, p, 53. Rep. by the Crown. Vol, 1, p, 161.

Five Acts for regulating the Officers and Soldiers commiſſionated and raiſed by the Governor for the Defence of this Province. Vol, 2, p, 57, 71, 72, 83, 103, Expired.

Five Acts concerning the Quartering and Billeting of Soldiers. ibid, p, 53, 71, 73, 92, 123. The firſt thereof Repealed by the Crown. Vol. 1. p. 161. The other four Expired by their own Limitation.

Five Acts for regulating the Hire of Carriages employed in his Majeſty's Service. Vol, 2, p. 73, 83, 92, 103, Expired.

Three Acts making Proviſion for the Inhabitants of *Nova Scotia*, imported into this Province.

(See Nova-Scotia)

An Act impowering the Governor to diſcharge his Part of the Operations of this Campaign, ſtipulated in Behalf of this Province, between his Excellency John Earl of Loudoun and the Governors of the Southern Colonies. Vol, 2. p. 78. Obſolete.

An Act to enable the Governor to draw out and march 1000 Men, Part of the Trops of this Province, or the like Number of Volunteers to be raiſed for the Aſſiſtance of the Province of *New-York*, ibid, Obſolete.

WARDENS

For the City of *Philadelphia* to be choſen yearly at the Time and Place of Electing Repreſentatives in Aſſembly. Vol, 2. p. 59.

The Wardens ſhall order the Lightening of Lamps and hire Watchmen. ibid, p. 58. and with the Magiſtrates of the ſaid City ſhall regulate the Service of the nightly Watch. ibid, and make an additional Number of Pumps, and agree with the Owners of Pumps already made, and ſhall ſeize, for the Uſe of the publick, ſuch Pumps as have been out of Repair 3 Months. ibid. p. 63. and aſſeſs Water Money upon the Inhabitants uſing ſuch publik Pumps ibid. p. 72.

WARRANTS (See Recording)

WATCH

An Act for the better regulating of the nightly Watch within the City of *Philadelphia*, and for enlightening the Streets, Lanes, and Alleys of the ſaid City and for raiſing Money on the Inhabitants of the ſaid City, for defraying the neceſſary Expences thereof. Vol. 2. p. 34. Expired.

The Watch is to be kept by one or more of the Conſtables of the ſaid City in Summer from 10 to 4, and in Winter from 9 to 6 o'Clock. ibid. p. 58. and by the Watchmen in the ſame Hours. ibid. p. 59.

The Lamps and Pumps in the ſaid City are regulated by the ſame Act. (See Wardens]

The Lamps and Watch are maintained by a Tax. (See Tax)

WATER BAILIFF (See Sheriff)

WEARS

From one Side to the other of a Creeck or River prohibited. Vol, 1, p, 8. particularly within the River Schuylkill. ibid. p. 128. 137.

WEIGHTS and MEASURES

An Act for regulating Money Weights and for Stamping the ſame. Vol, 1. p 9. Obſolete.

Standards of Braſs for Weights and Meaſures, according to the Kings Standards, to be and remain in each County with the Officer, to be appointed by the Governor. Vol, 1. p. 10.

Which Officer ſhall adjuſt and mark all Weights and Meaſures uſed in buying and ſelling. ibid. and with the Aſſiſtance of the Grand-Jury &c. try the ſame at leaſt once a Year. ibid.

WILLS (See Deviſes)

All Wills in Writing, whereby any Lands in this Province have been or ſhall be deviſed, being proved by *Two or more* Witneſſes in this Province, or in *England*, or elſewhere, before the proper Officers, and certified Copies thereof ſent hither, and Recorded in the Regiſter Generals Office ſhall be good, and the Eſtate given by the ſame, ſhall paſs. Vol, 1, p. 23.

Provided

Provided ſuch Wills ſhall not within 7 Years after the Teſtators Death appear to be annulled before a proper Judge, or revoked by the Teſtator. ibid. p. 24

Written Wills, concerning Perſonal Eſtate may not be repealed, or any Part thereof altered by Word of Mouth only, except the ſame be committed to Writing, read to the Teſtator, by him allowed, and ſo proved by two or more Witneſſes. ibid.

Nuncupative Wills bequeathing an Eſtate above the Value of £30. muſt be proved by at leaſt 2 Witneſſes within 6 Months after the Making thereof: *viz.* That the Teſtator did bid ſome of the Perſons preſent to bear Witneſs, that the Will was made in the Decedants laſt Sickneſs, and at his Dwelling houſe, &c. ibid. Except Wills of Mariners, Perſons at Sea, and Soldiers in Service. ibid.

Such Wills, ſhall not be proved before the Widow or next of Kindred to the Deceaſed are called to conteſt to the ſame. ibid.

Wills being proved in one County, it ſhall be ſufficient wherever the Teſtators Eſtate may lye or be, ibid.

Perſons marrying or having a Child after making their laſt Will, ſuch Wife or Child, ſhall be intitled to the like Parts of the Deceaſeds Real and Perſonal Eſtate, as if he had died Inteſtate. Vol. 2. p. 22.

WITCHCRAFT

The Statute againſt Witchcraft extended. Vol. 1. p. 68.

WITNESS (See Evidence)

An Act to oblige Witneſſes to give Evidence and to prevent falſe Swearing. Vol. 1. p. 4. Repealed by the Crown. ibid. p. 18.

Witneſſes for the Criminal ſhall depoſe upon their Oaths or Affirmation as well as the Witneſſes for the King. Vol. 1. p. 67.

The Teſtimony of the Owners of ſtolen Goods ſhall be good Evidence to convict the Stealers. ibid. p. 72.

Witneſſes in one County may be ſummoned Subpoena to appear in the Courts of another County. ibid. p. 84. 86.

Juſtices are impowered to compel any Perſon to give Evidence for Discovery of Frauds againſt the Exciſe Act. Vol. 2. p. 69.

Witneſſes for their Attendance are allowed 2*s.* per Day. ibid. p. 47.

WOLVES.

The Law about killing Wolves. Vol. 1. p. 9, Supplied.

Perſons entring into Recognizance, that they will make it their ſole Buſineſs at leaſt 3 Days in every Week, to catch Wolves, ſhall have 25*s.* for every Wolf &c. ibid. p. 63.

The Reward for killing Wolves. ibid. p. 102. 115. and the Proof that one is intituled to ſuch Reward. ibid. p. 102.

WOODS.

Cutting Wood for Fire or Underwood upon another Perſons Land, without his Leave, forfeits double the Value of ſuch Wood, Vol. 1. p. 12.

Firing Woods, (ſee firing.)

WORKHOUSES.

Priſons ſhall be Workhouſes for Felons &c. (ſee Priſons)

Workhouſes ſhall be erected by Order of the Juſtices of the ſeveral Counties. Vol. 1. p. 65. to be governed by a Preſident, Treaſurer and Aſſiſtants, [See Bodies, Politick] The Funds for erecting and maintaining ſuch Workhouſes to be raiſed on the Inhabitants as the County Levies. ibid.

The Maſters of ſuch Workhouſes, on Neglect of their Duty are removeable. ibid p. 70.

The Priſon in *Newtown* is declared to be a Workhouſe, Vol. 2. p. 11. and a Workhouſe to be erected in *Briſtol* ibid. p. 14.

WRITS.

The Form of Writs of Arreſt and Summons, Vol. 1. p. 13. 106. and out of the Supream-Court, ibid. p. 85.

All Writs and Proceſs upon Pleas and Actions cognizable in the Courts of C. P. may be granted by any one of the Juſtices of the ſaid Court. ibid. p 86.

Writs of *Habeas Corpus*, Certioraty and Writs of Error, may be granted by any one of the Juſtices of the Supream-Court, ibid. p. 84.

Writs of Capias, Subpoena, and other Writs and Warrants under the Hands of the Juſtices of one County and the County Seal, ſhall operate in the other Counties of this Province, for taking Perſons indicted or outlawed, and ſummoning Evidences upon any Matter or Cauſe whatſoever, or to execute in one County the Judgments obtained in another County. ibid. p. 84. 86.

Writs of Attachment. (See Attachment.)

Writs of Inquiry. (See Damages.)

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